Report III (Part A)

▶ Report of the Committee of Experts on the Application of Conventions and Recommendations

(articles 19, 22 and 35 of the Constitution)

Third item on the agenda:
Information and reports on the application of Conventions and Recommendations

General Report and observations concerning particular countries

International Labour Office, Geneva

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The **Committee of Experts on the Application of Conventions and Recommendations** is an independent body composed of legal experts charged with examining the application of ILO Conventions and Recommendations by ILO member States. The annual report of the Committee of Experts covers numerous matters related to the application of ILO standards. The structure of the report, as modified in 2003, is divided into the following parts:

(a) The **Reader's note** provides indications on the Committee of Experts and the Committee on the Application of Standards of the International Labour Conference (their mandate, functioning and the institutional context in which they operate) **(Part A, pages 37–41)**.

(b) **Part I:** the **General Report** describes the manner in which the Committee of Experts undertakes its work and the extent to which member States have fulfilled their constitutional obligations in relation to international labour standards, and it draws the attention to issues of general interest arising out of the Committee's work **(Part A, pages 43–91)**.

(c) **Part II: Observations concerning particular countries** cover the sending of reports, the application of ratified Conventions (see section I), and the obligation to submit instruments to the competent authorities (see section II) **(Part A, pages 93–1099)**.

(d) **Part III: General Survey**, in which the Committee of Experts examines the state of the legislation and practice regarding a specific area covered by a given number of Conventions and Recommendations. This examination covers all member States regardless of whether or not they have ratified the given Conventions. The General Survey is published as a separate volume (Report III (Part B)) and this year it concerns the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25);the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI); the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); and the Employment Injury Benefits Recommendation, 1964 (No. 121) **(Part B)**.

The report of the Committee of Experts is also available at: www.ilo.org/normes.

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Fundamental Conventions are in bold. Priority Conventions are in italics.

★ Convention revised in whole or in part by a subsequent Convention or Protocol.
● Convention no longer open to ratification as a result of the entry into force of a revising Convention.
♦ Convention or Protocol not in force.
■ Convention withdrawn.
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1 Freedom of association, collective bargaining, and industrial relations

	C011	Right of Association (Agriculture) Convention, 1921 (No. 11)
	C084	Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)
	C087	**Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**
	C098	**Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**
	C135	Workers' Representatives Convention, 1971 (No. 135)
	C141	Rural Workers' Organisations Convention, 1975 (No. 141)
	C151	Labour Relations (Public Service) Convention, 1978 (No. 151)
	C154	Collective Bargaining Convention, 1981 (No. 154)

2 Forced labour

	C029	**Forced Labour Convention, 1930 (No. 29)**
	C105	**Abolition of Forced Labour Convention, 1957 (No. 105)**
	P029	**Protocol of 2014 to the Forced Labour Convention, 1930**

3 Elimination of child labour and protection of children and young persons

★	C005	Minimum Age (Industry) Convention, 1919 (No. 5)
★	C006	Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
★	C010	Minimum Age (Agriculture) Convention, 1921 (No. 10)
□	C015	Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
●	C033	Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
★	C059	Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
■	C060	Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
	C077	Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
	C078	Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
	C079	Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
	C090	Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
★	C123	Minimum Age (Underground Work) Convention, 1965 (No. 123)
	C124	Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)
	C138	**Minimum Age Convention, 1973 (No. 138)**
	C182	**Worst Forms of Child Labour Convention, 1999 (No. 182)**

4 Equality of opportunity and treatment

	C100	**Equal Remuneration Convention, 1951 (No. 100)**
	C111	**Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**
	C156	Workers with Family Responsibilities Convention, 1981 (No. 156)
	C190	Violence and Harassment Convention, 2019 (No. 190)

5 Tripartite consultation

	C144	*Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)*

6		**Labour administration and inspection**
	□	C063 Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)
	★	*C081 Labour Inspection Convention, 1947 (No. 81)*
	□	C085 Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)
		C129 Labour Inspection (Agriculture) Convention, 1969 (No. 129)
		C150 Labour Administration Convention, 1978 (No. 150)
		C160 Labour Statistics Convention, 1985 (No. 160)
		P081 Protocol of 1995 to the Labour Inspection Convention, 1947
7		**Employment policy and promotion**
		C002 Unemployment Convention, 1919 (No. 2)
	■	C034 Fee-Charging Employment Agencies Convention, 1933 (No. 34)
		C088 Employment Service Convention, 1948 (No. 88)
	●	C096 Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)
		C122 Employment Policy Convention, 1964 (No. 122)
		C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
		C181 Private Employment Agencies Convention, 1997 (No. 181)
8		**Vocational guidance and training**
		C140 Paid Educational Leave Convention, 1974 (No. 140)
		C142 Human Resources Development Convention, 1975 (No. 142)
9		**Employment security**
		C158 Termination of Employment Convention, 1982 (No. 158)
10		**Wages**
		C026 Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
	★	C095 Protection of Wages Convention, 1949 (No. 95)
		C099 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
		C131 Minimum Wage Fixing Convention, 1970 (No. 131)
		C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)
11		**Working time**
		C001 Hours of Work (Industry) Convention, 1919 (No. 1)
	□	C004 Night Work (Women) Convention, 1919 (No. 4)
		C014 Weekly Rest (Industry) Convention, 1921 (No. 14)
		C020 Night Work (Bakeries) Convention, 1925 (No. 20)
		C030 Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
	■	C031 Hours of Work (Coal Mines) Convention, 1931 (No. 31)
	□	C041 Night Work (Women) Convention (Revised), 1934 (No. 41)
		C043 Sheet-Glass Works Convention, 1934 (No. 43)
	■	C046 Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46)
		C047 Forty-Hour Week Convention, 1935 (No. 47)
		C049 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49)
	■	C051 Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)
	●	C052 Holidays with Pay Convention, 1936 (No. 52)
	■	C061 Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61)
	□	C067 Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67)
	★	C089 Night Work (Women) Convention (Revised), 1948 (No. 89)
	★	C101 Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
		C106 Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
		C132 Holidays with Pay Convention (Revised), 1970 (No. 132)
		C153 Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)
		C171 Night Work Convention, 1990 (No. 171)
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		P089 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

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□	C045	Underground Work (Women) Convention, 1935 (No. 45)
□	C062	Safety Provisions (Building) Convention, 1937 (No. 62)
	C115	Radiation Protection Convention, 1960 (No. 115)
	C119	Guarding of Machinery Convention, 1963 (No. 119)
	C120	Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
	C127	Maximum Weight Convention, 1967 (No. 127)
	C136	Benzene Convention, 1971 (No. 136)
	C139	Occupational Cancer Convention, 1974 (No. 139)
	C148	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
★	**C155**	**Occupational Safety and Health Convention, 1981 (No. 155)**
	C161	Occupational Health Services Convention, 1985 (No. 161)
	C162	Asbestos Convention, 1986 (No. 162)
	C167	Safety and Health in Construction Convention, 1988 (No. 167)
	C170	Chemicals Convention, 1990 (No. 170)
	C174	Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
	C176	Safety and Health in Mines Convention, 1995 (No. 176)
	C184	Safety and Health in Agriculture Convention, 2001 (No. 184)
	C187	**Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)**
	P155	Protocol of 2002 to the Occupational Safety and Health Convention, 1981
13	**Social security**	
★	C012	Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
★	C017	Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
★	C018	Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
	C019	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
★	C024	Sickness Insurance (Industry) Convention, 1927 (No. 24)
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●	C035	Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
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●	C039	Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
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★	C042	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
●	C044	Unemployment Provision Convention, 1934 (No. 44)
●	C048	Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
★	C102	Social Security (Minimum Standards) Convention, 1952 (No. 102)
	C118	Equality of Treatment (Social Security) Convention, 1962 (No. 118)
	C121	Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)
	C128	Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
	C130	Medical Care and Sickness Benefits Convention, 1969 (No. 130)
	C157	Maintenance of Social Security Rights Convention, 1982 (No. 157)
	C168	Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)
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●	C103	Maternity Protection Convention (Revised), 1952 (No. 103)
	C183	Maternity Protection Convention, 2000 (No. 183)
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	C094	Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
	C117	Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

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□	C021	Inspection of Emigrants Convention, 1926 (No. 21)
■	C066	Migration for Employment Convention, 1939 (No. 66)
	C097	Migration for Employment Convention (Revised), 1949 (No. 97)
	C143	Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
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□	C008	Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
□	C009	Placing of Seamen Convention, 1920 (No. 9)
□	C016	Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
★	C022	Seamen's Articles of Agreement Convention, 1926 (No. 22)
★	C023	Repatriation of Seamen Convention, 1926 (No. 23)
□	C053	Officers' Competency Certificates Convention, 1936 (No. 53)
■	C054	Holidays with Pay (Sea) Convention, 1936 (No. 54)
★●	C055	Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)
★●	C056	Sickness Insurance (Sea) Convention, 1936 (No. 56)
■	C057	Hours of Work and Manning (Sea) Convention, 1936 (No. 57)
★●	C058	Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
★●	C068	Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
★●	C069	Certification of Ships' Cooks Convention, 1946 (No. 69)
■	C070	Social Security (Seafarers) Convention, 1946 (No. 70)
	C071	Seafarers' Pensions Convention, 1946 (No. 71)
■	C072	Paid Vacations (Seafarers) Convention, 1946 (No. 72)
□	C073	Medical Examination (Seafarers) Convention, 1946 (No. 73)
□	C074	Certification of Able Seamen Convention, 1946 (No. 74)
■	C075	Accommodation of Crews Convention, 1946 (No. 75)
■	C076	Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)
□	C091	Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
★●	C092	Accommodation of Crews Convention (Revised), 1949 (No. 92)
■	C093	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
●	C108	Seafarers' Identity Documents Convention, 1958 (No. 108)
■	C109	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)
★●	C133	Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
★●	C134	Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
□	C145	Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
★●	C146	Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
★●	C147	Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
□	C163	Seafarers' Welfare Convention, 1987 (No. 163)
★●	C164	Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)
■	C165	Social Security (Seafarers) Convention (Revised), 1987 (No. 165)
★●	C166	Repatriation of Seafarers Convention (Revised), 1987 (No. 166)
■	C178	Labour Inspection (Seafarers) Convention, 1996 (No. 178)
■	C179	Recruitment and Placement of Seafarers Convention, 1996 (No. 179)
■	C180	Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)
	C185	Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185)
	MLC, 2006	Maritime Labour Convention, 2006 (MLC, 2006)
■	P147	Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976
18	**Fishers**	
★	C112	Minimum Age (Fishermen) Convention, 1959 (No. 112)
	C113	Medical Examination (Fishermen) Convention, 1959 (No. 113)
	C114	Fishermen's Articles of Agreement Convention, 1959 (No. 114)
	C125	Fishermen's Competency Certificates Convention, 1966 (No. 125)
	C126	Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)
	C188	Work in Fishing Convention, 2007 (No. 188)

19	**Dockworkers**	
	C027	Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
■	C028	Protection against Accidents (Dockers) Convention, 1929 (No. 28)
●	C032	Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
	C137	Dock Work Convention, 1973 (No. 137)
	C152	Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
20	**Indigenous and tribal peoples**	
□	C050	Recruiting of Indigenous Workers Convention, 1936 (No. 50)
□	C064	Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)
□	C065	Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)
□	C086	Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)
□	C104	Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)
●	C107	Indigenous and Tribal Populations Convention, 1957 (No. 107)
	C169	Indigenous and Tribal Peoples Convention, 1989 (No. 169)
21	**Specific categories of workers**	
	C083	Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)
★	C110	Plantations Convention, 1958 (No. 110)
	C149	Nursing Personnel Convention, 1977 (No. 149)
	C172	Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
	C177	Home Work Convention, 1996 (No. 177)
	C189	Domestic Workers Convention, 2011 (No. 189)
	P110	Protocol of 1982 to the Plantations Convention, 1958
22	**Final Articles Conventions**	
	C080	Final Articles Revision Convention, 1946 (No. 80)
	C116	Final Articles Revision Convention, 1961 (No. 116)
	C191	Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191)

Reader's note

Overview of the ILO supervisory mechanisms

Since its creation in 1919, the mandate of the International Labour Organization (ILO) has included adopting international labour standards (comprising Conventions and Recommendations), promoting their application, encouraging ratification of Conventions, and the supervision of the application of international labour standards as a fundamental means of achieving the Organization's objectives. In order to monitor the progress of Member States in the application of international labour standards, the ILO has developed supervisory mechanisms which are unique at the international level. [1]

Under article 19 of the ILO Constitution, a number of obligations arise for Member States upon the adoption of international labour standards, including the requirement to submit newly adopted standards to national competent authorities and the obligation to report periodically on the measures taken to give effect to the provisions of unratified Conventions and Recommendations.

The ILO has a number of supervisory mechanisms through which the Organization examines the standards-related obligations of Member States that flow from ratified Conventions. This supervision occurs both in the context of a regular procedure through periodic reports (article 22 of the ILO Constitution), [2] as well as through special procedures based on representations or complaints to the Governing Body made by ILO constituents (articles 24 and 26 of the Constitution, respectively). Moreover, since 1950, a special procedure has existed whereby complaints relating to freedom of association are referred to the Committee on Freedom of Association (CFA) of the Governing Body. The CFA may also examine complaints relating to Member States that have not ratified the relevant freedom of association Conventions.

Role of employers' and workers' organizations

As a natural consequence of its tripartite structure, the ILO was the first international organization to associate the social partners directly in its activities. The participation of employers' and workers' organizations in the supervisory mechanisms is recognized in the ILO Constitution under article 23, paragraph 2, which provides that reports and information submitted by governments in accordance with articles 19 and 22 must be communicated to the representative organizations.

Representative employers' and workers' organizations may submit observations on the reports concerning the application of international labour standards to their governments. They may, for instance, draw attention to a discrepancy in law or practice regarding the application of a ratified Convention. Furthermore, any employers' or workers' organization may submit observations on the application of international labour standards directly to the Office. The Office will then forward these to

[1] For detailed information on all the supervisory procedures, see ILO *Handbook of Procedures Relating to International Labour Conventions and Recommendations*, International Labour Standards Department, Geneva, 2019.

[2] Reports are requested every three years for the fundamental Conventions and governance Conventions, and from now on, every six years for other Conventions. In fact, at its 334th Session the Governing Body decided to expand the reporting cycle for the latter category of Conventions from five to six years (GB.334/INS/5). Reports are due for groups of Conventions according to subject matter. Following the amendment of the 1998 Declaration, the Governing Body decided to apply a three-year cycle for the fundamental Conventions on occupational safety and health as from 2024 (GB.346/INS/3/3).

the government concerned, which will have an opportunity to respond before the observations are examined by the Committee of Experts except in exceptional circumstances. [3]

Origins of the Conference Committee on the Application of Standards and the Committee of Experts on the Application of Conventions and Recommendations

During the early years of the ILO, both the adoption of international labour standards and the regular supervisory work were undertaken within the framework of the plenary sitting of the annual International Labour Conference. However, the considerable increase in the number of ratifications of Conventions rapidly led to a similarly significant increase in the number of annual reports submitted. It soon became clear that the plenary sitting of the Conference would not be able to examine all of the reports (submitted by Governments on the application of ratified Conventions) along with adopting international labour standards as well as considering other important matters. In response to this situation, the Conference in 1926 adopted a resolution [4] establishing on an annual basis a Conference Committee (subsequently named the Conference Committee on the Application of Standards) and requesting the Governing Body to appoint a technical committee (subsequently named the Committee of Experts on the Application of Conventions and Recommendations) which would be responsible for drawing up a report for the Conference. These two committees have become the two pillars of the ILO regular supervisory system.

Committee of Experts on the Application of Conventions and Recommendations

Composition

The Committee of Experts is composed of 20 members, who are outstanding legal experts at the national and international levels. The members of the Committee are appointed by the Governing Body upon the recommendation of its Officers based on proposals by the Director-General. Appointments are made in a personal capacity from among impartial persons of competence and independent standing drawn from all regions of the world, in order to enable the Committee to have at its disposal first-hand experience of different legal, economic and social systems. The appointments are made for renewable periods of three years. In 2002, the Committee decided that there would be a limit of 15 years' service for all members, representing a maximum of four renewals after the first three-year appointment. At its 79th Session (November–December 2008), the Committee decided that its Chairperson would be elected for a period of three years, which would be renewable once for a further three years. At the start of each session, the Committee would also elect a Reporter.

Work of the Committee

The Committee of Experts meets annually in November–December after a period of examination of reports by individual experts. In accordance with the mandate given by the Governing Body, [5] the Committee is called upon to examine the following:

[3] General Report, paras 103–112.

[4] *Record of Proceedings* of the Eighth Session of the International Labour Conference, 1926, Vol. I, Appendix VII.

[5] Terms of reference of the Committee of Experts, Minutes of the 103rd Session of the Governing Body (1947), Appendix XII, para. 37.

- the periodic reports under article 22 of the Constitution on the measures taken by Member States to give effect to the provisions of the Conventions to which they are parties;
- the information and reports concerning Conventions and Recommendations communicated by Member States in accordance with article 19 of the Constitution;
- information and reports on the measures taken by Member States in accordance with article 35 of the Constitution. [6]

The task of the Committee of Experts is to indicate the extent to which each Member State's legislation and practice are in conformity with ratified Conventions and the extent to which Member States have fulfilled their obligations under the ILO Constitution in relation to standards. In carrying out this task, the Committee adheres to its principles of independence, objectivity and impartiality. [7] The comments of the Committee of Experts on the fulfilment by Member States of their standards-related obligations take the form of either observations or direct requests. Observations are generally used in more serious or long-standing cases of failure to fulfil obligations. They are reproduced in the annual report of the Committee of Experts, which is then submitted to the Conference Committee on the Application of Standards in June every year. Direct requests are not published in the report of the Committee of Experts, but are communicated directly to the government concerned and are available online. [8] In addition, the Committee of Experts examines, in the context of the General Survey, the state of the legislation and practice concerning a specific area covered by a given number of Conventions and Recommendations chosen by the Governing Body. [9] The General Survey is based on the reports submitted in accordance with articles 19 and 22 of the Constitution, and it covers all Member States regardless of whether or not they have ratified the concerned Conventions.

Report of the Committee of Experts

As a result of its work, the Committee produces an annual report. The report consists of two volumes.

The first volume (Report III (Part A)) [10] is divided into two parts:

- **Part I:** the **General Report** describes, on the one hand, the progress of the work of the Committee of Experts and specific matters relating to it that have been addressed by the Committee and, on the other hand, the extent to which Member States have fulfilled their constitutional obligations in relation to international labour standards.

[6] Article 35 covers the application of Conventions to non-metropolitan territories.

[7] General Report, para. 14.

[8] General Report, para. 82. Observations and direct requests are accessible through the NORMLEX database available at: www.ilo.org/normes.

[9] By virtue of the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008, a system of annual recurrent discussions in the framework of the Conference has been established to enable the Organization to gain a better understanding of the situation and varying needs of its members in relation to the four strategic objectives of the ILO, namely: employment; social protection; social dialogue and tripartism; and fundamental principles and rights at work. The Governing Body considered that the recurrent reports prepared by the Office for the purposes of the Conference discussion should benefit from the information on the law and practice of Member States contained in General Surveys, as well as from the outcome of the discussions of General Surveys by the Conference Committee. In principle, the subjects of General Surveys have therefore been aligned with the four strategic objectives of the ILO. The importance of the coordination between the General Surveys and recurrent discussions was reaffirmed in the framework of the adoption of a five-year cycle of recurrent discussions by the Governing Body in November 2016.

[10] This citation reflects the agenda of the International Labour Conference, which contains as a permanent item, item III relating to information and reports on the application of Conventions and Recommendations.

- **Part II: Observations concerning particular countries** on the fulfilment of obligations in respect of the submission of reports, the application of ratified Conventions grouped by subject matter and the obligation to submit instruments to the competent authorities.

The second volume contains the **General Survey** (Report III (Part B)).

Committee on the Application of Standards of the International Labour Conference

Composition

The Conference Committee on the Application of Standards is one of the two standing committees of the Conference. It is tripartite and therefore comprises representatives of governments, employers and workers. At each session, the Committee elects its Officers, which include a Chairperson (Government member), two Vice-Chairpersons (Employer member and Worker member) and a Reporter (Government member).

Work of the Committee

The Conference Committee on the Application of Standards meets annually at the Conference usually in June. Pursuant to article 7 of the Standing Orders of the Conference, the Committee shall consider:

- measures taken to give effect to ratified Conventions (article 22 of the Constitution);
- reports communicated in accordance with article 19 of the Constitution (General Surveys);
- measures taken in accordance with article 35 of the Constitution (non-metropolitan territories).

The Committee is required to present its report to the plenary sitting of the Conference.

Following the independent technical examination carried out by the Committee of Experts, the proceedings of the Conference Committee on the Application of Standards provide an opportunity for the representatives of governments, employers and workers to examine together the manner in which States are fulfilling their standards-related obligations. Governments are able to elaborate on information previously supplied to the Committee of Experts, indicate any further measures taken or proposed since the last session of the Committee of Experts, draw attention to difficulties encountered in the fulfilment of obligations and seek guidance as to how to overcome such difficulties.

The Conference Committee on the Application of Standards discusses the report of the Committee of Experts, and the documents submitted by governments. The work of the Conference Committee starts with a general discussion based essentially on the General Report of the Committee of Experts. The Conference Committee then discusses the General Survey. It also examines cases of serious failure to fulfil reporting and other standards-related obligations. Finally, the Conference Committee examines a number of individual cases concerning the application of ratified Conventions which have been the subject of observations by the Committee of Experts. At the end of the discussion of each individual case, the Conference Committee adopts conclusions on the case in question.

In its report [11] submitted to the plenary sitting of the Conference for adoption, the Conference Committee on the Application of Standards may invite the Member State whose case has been discussed to accept a technical assistance mission by the International Labour Office to increase its capacity to

[11] The report is published in the *Record of Proceedings* of the Conference. Since 2007, it has also been issued in a separate publication. See, for the last report, *Conference Committee on the Application of Standards: Record of Proceedings*, International Labour Conference, 112th Session, Geneva, 2024.

fulfil its obligations, or may propose other types of missions. The Conference Committee may also request a government to submit additional information or address specific concerns in its next report to the Committee of Experts. The Conference Committee also draws the attention of the Conference to certain cases, such as cases of progress and cases of serious failure to comply with ratified Conventions.

The Committee of Experts and the Conference Committee on the Application of Standards

In numerous reports, the Committee of Experts has emphasized the importance of the spirit of mutual respect, cooperation and responsibility that has always existed in relations between the Committee of Experts and the Conference Committee. It has accordingly become the practice for the Chairperson of the Committee of Experts to attend the general discussion of the Conference Committee and the discussion on the General Survey as an observer, with the opportunity to address the Conference Committee at the opening of the general discussion and to make remarks at the end of the discussion on the General Survey. Similarly, the Employer and Worker Vice-Chairpersons of the Conference Committee are invited to meet the Committee of Experts during its sessions and discuss issues of common interest within the framework of a special session held for that purpose.

Part I. General Report

I. Introduction

1. The Committee of Experts on the Application of Conventions and Recommendations, appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by Member States of the International Labour Organization on the action taken with regard to Conventions and Recommendations, held its 95th Session from 25 November to 7 December 2024. The Committee has the honour to present its report to the Governing Body.

A. Composition of the Committee

2. The composition of the Committee is as follows: Mr Shinichi AGO (Japan), Ms Lia ATHANASSIOU (Greece), Ms Leila AZOURI (Lebanon), Mr James J. BRUDNEY (United States of America), Ms Graciela Josefina DIXON CATON (Panama), Mr José Roberto HERRERA VERGARA (Colombia), Mr Benedict Bakwaph KANYIP (Nigeria), Ms Irene KASHINDI (Kenya), Mr Mohamed KORRI YOUSSOUFI (Morocco), Mr Alain LACABARATS (France), Ms Elena E. MACHULSKAYA (Russian Federation), Ms Mónica PINTO (Argentina), Ms Mia RÖNNMAR (Sweden), Mr Iain ROSS (Australia), Ms Kamala SANKARAN (India), Ms Ambiga SREENEVASAN (Malaysia), Mr Jean-Marie TCHAKOUA (Cameroon), Ms Deborah THOMAS-FELIX (Trinidad and Tobago), and Mr Bernd WAAS (Germany). The appendix of the General Report contains brief biographies of all the Committee members.

3. The Committee welcomed two new members appointed by the Governing Body at its 351st Session (June 2024), namely, Professor Mohamed Korri Youssoufi (Morocco) and Professor Jean-Marie Tchakoua (Cameroon).

4. Professor Korri Youssoufi received his Doctorate in Private Law from the University Panthéon-Assas of Paris. He holds diplomas in private law (University of Fes) and in comparative law (University of Bordeaux – Centre of Comparative Labour and Social Security Law – COMPTRASEC). He has been a professor at the Faculty of Legal, Economic and Social Sciences, University of Meknes since 1996 where he teaches labour law. He has major publications on national labour law and case law and authored numerous studies and papers in legal journals.

5. Professor J.-M. Tchakoua has been teaching private law, notably labour law and social security law, at the Faculty of Legal and Political Sciences of the University of Yaoundé since 1992. He is President and founding member of the Cameroon Association for the Promotion of Labour Law and Social Security, founding member of the Association for the Promotion of Law in Africa (APRODA) and member of the Association for the Promotion of Human Rights in Central Africa (APDHAC). He is the author of specialized publications and numerous articles and studies in legal journals.

6. The Committee noted that due to numerous professional commitments, Judge Ngcobo (South Africa) had asked to be relieved of his duties on the Committee and expressed appreciation for the work done by Judge Ngcobo during his years of service.

7. The Committee also noted that one member, Judge Ross, was unable to attend this year's session for unavoidable reasons and that another member, Professor Waas, was able to join the proceedings of the Committee online.

8. For the reasons set out above, the Committee functioned with a composition of 18 members this year.

9. Ms Graciela Dixon Caton concluded her mandate as Chairperson, as per the 2008 Committee decision that its Chairperson would be elected for a period of three years, renewable once. The Committee elected Mr Alain Lacabarats as its new Chairperson from 2025. Ms Sankaran was elected as Reporter.

10. The Committee noted that this was the last year on the Committee for three of its outstanding members, Professor Brudney, Juge Dixon Caton and Professor Machulskaya, all of whom had completed 15 years of service.

11. The Committee expressed its deep appreciation for the outstanding manner in which Judge Dixon Caton had carried out her duties throughout her 15 years of service on the Committee and, in particular, commended her warmly for the highly professional way in which she had carried out the important and exciting task of leading the Committee during the six years (90th to 95th Sessions) she served as its Chairperson. The Committee commended Judge Dixon Caton for the lasting contribution she had made to the protection of seafarers notably through her work on the Maritime Labour Convention, 2006, as amended (MLC, 2006).

12. The Committee also extended its special appreciation for the remarkable contribution that Professor Brudney had brought to the Committee during his 15 years of service and commended him warmly for the invaluable expertise he had contributed to the areas of freedom of association and labour inspection.

13. Finally, the Committee expressed its special appreciation for the outstanding manner in which Professor Machulskaya had carried out her mandate during her 15 years of service on the Committee and particularly commended her for the technical excellence and legal expertise she had contributed to the thematic area of social security.

B. Mandate

14. **The Committee of Experts on the Application of Conventions and Recommendations is an independent body established by the International Labour Conference and its members are appointed by the ILO Governing Body. It is composed of legal experts charged with examining the application of ILO Conventions and Recommendations by ILO Member States. The Committee of Experts undertakes an impartial and technical analysis of how the Conventions are applied in law and practice by Member States, while cognisant of different national realities and legal systems. In doing so, it must determine the legal scope, content and meaning of the provisions of the Conventions. Its opinions and recommendations are non-binding, being intended to guide the actions of national authorities. They derive their persuasive value from the legitimacy and rationality of the Committee's work based on its impartiality, experience and expertise. The Committee's technical role and moral authority is well recognized, particularly as it has been engaged in its supervisory task for more than 90 years, by virtue of its composition, independence and its working methods built on continuing dialogue with governments taking into account information provided by employers' and workers' organizations. This has been reflected in the incorporation of the Committee's opinions and recommendations in national legislation, international instruments and court decisions.**

C. Working methods

15. In order to guide the Committee's reflection on continuous improvement of its work, a Subcommittee on Working Methods was set up in 2001 with the mandate to examine the working methods of the Committee and any related subjects, in order to make appropriate recommendations to the Committee so that it can perform its functions in the best and most

efficient manner possible and, in so doing, assist Member States in meeting their obligations in relation to international labour standards and enhance the functioning of the supervisory system. This year, under the chairpersonship of Mr Alain Lacabarats, the Subcommittee on Working Methods met for the 24th time.

16. The Subcommittee was briefed by the Office on the Governing Body discussions concerning the streamlining of reporting on the basis of thematic implementation reports and, on this basis, continued its reflection on possible further modernization of the Committee's working methods. Noting that the Governing Body would continue to discuss the matter of thematic reporting in 2025, the Subcommittee asked the Office to share the draft thematic templates for input before their finalization. The Subcommittee recalled that the Committee had initiated the practice of drafting thematic comments which had over the years expanded to several thematic areas. The Subcommittee explored in this context new thematic areas in which thematic comments could be introduced as of the Committee's next session.

17. The Subcommittee further discussed the question of possible adjustments to advance the reporting timelines. The Subcommittee noted that the current due date for country reports had been introduced at the 258th Session (November 1993) of the Governing Body when the latter decided to move the annual session of the Committee of Experts from February–March to November–December of each year and adapted the due dates for receipt of article 22 reports as follows: "the reports requested under articles 22 and 35 of the Constitution would have to be sent to the Office by 1 June or, at the latest, 1 September. … The processing of these reports – analysis of them and drafting of any corresponding comments – would take place between July and November […]". [1]

18. The Subcommittee emphasized that, as indicated in the above extract from the Governing Body report, the due date initially intended for the submission of reports was 1 June, while the three-month period between 1 June and 1 September was allowed at the time because article 22 reports were delivered through postal means, and their delivery date could vary depending on the geographical location of Member States. The Subcommittee also noted that, as a result of successive reorganizations of the reporting cycle over the past 30 years, the comments on which replies are expected are known to Member States and the social partners three to six years in advance of their due date, depending on the fundamental, governance or technical status of each instrument. The Subcommittee finally noted that only a small proportion of reports due were received in June of a reporting year and that most reports were sent by electronic means either on 1 September or shortly before that date, approximately ten weeks before the Committee's session, thereby creating bottlenecks in the timely examination of these reports by the Committee. The Subcommittee therefore asked the Office to impress upon Member States the need to respect the deadline of 1 June so as to enable the Committee to plan and carry out its work in an efficient manner.

D. Information session with Government representatives

19. At its 92nd Session (2021), the Committee accepted the request put forward by Government members of the Conference Committee for holding an annual meeting between the Committee of Experts and Government representatives. This year, the Committee held an information session with governments for the third time. All Member States were invited to attend either in person or online. The session was attended by 35 government representatives from the following countries: Argentina, Australia, Brazil, Brunei Darussalam, Cambodia, China, Colombia, Cuba,

[1] Document GB.258/6/19, Appendix I, paras 24 and 25.

Guatemala, India, Indonesia, Kazakhstan, Lebanon, Malaysia, Namibia, Peru, Philippines, Singapore, Spain, Sweden Türkiye and Uruguay.

20. The Chairperson of the Committee of Experts, Ms Graciela Dixon Caton, initiated the discussion by emphasizing that the Committee was open to dialogue with governments in order to improve the effectiveness of its mandate and in full recognition of its independence. On behalf of the Committee, Mr. James Brudney presented the rationale and process adopted in the preparation of general surveys, highlighting the topical subjects which had been selected by the Governing Body over the past six years in order to address the needs of workers, the substantial response rates by governments to the questionnaires under article 19 of the ILO Constitution and the important number of comments received by employers' and workers' organizations.

21. Several government representatives expressed their great appreciation for the Committee's work and noted its positive impact on socio-economic development, notably as useful guidance for assessing laws and practices and preparing labour law reforms. Some also expressed the view that more focused requests for information in the Committee's comments, for example, on statistics, were likely to avoid delays in the preparation of replies, given resource constraints in labour administrations and the need to coordinate with other ministries. They also asked for the views of the Committee of Experts on proposals currently under discussion at the Governing Body on thematic reporting. Others referred to the reporting workload and thanked the Office for steps taken to streamline reporting, including through the pilot project on thematic reporting baselines which had been very useful for countries with an extensive ratification record.

22. Some representatives asked for clarification on the interplay among supervisory processes and the deadlines for consideration of observations sent by the social partners as well as the process for closing an issue when a satisfactory response had been received by the Committee. Finally, questions were asked about the ways in which the Committee of Experts interacted with UN human rights bodies.

23. In reply to these questions, Mr. Alain Lacabarats referred to the Governing Body discussions on proposals for streamlining reporting on the basis of 15 thematic implementation reports of which the Committee had been informed by the Office. He recalled that the Committee had developed the practice of thematic comments since 2009 in several thematic areas. He also informed the government representatives that the Subcommittee on working methods was going to further discuss this subject in the coming days.

24. Ms Monica Pinto spoke about the synergies between the Committee's work and that of the human rights bodies, recalling that the ILO was the first international organization to adopt Conventions which addressed human rights matters as of 1919 and the first to embrace the notion of human rights after the Second World War, in the Declaration on the Aims and Purposes of the International Labour Organisation, 1944 (Declaration of Philadelphia) which became part of the ILO Constitution. She further recalled that labour rights were reflected in human rights treaties ratified by the same Member States which had ratified international labour standards thereby undertaking mutually supporting obligations which called for coherence and consistency in their application and in the reports established thereon. She finally said that there was a lot of cross-fertilization between the work of the Committee and that of other human rights mechanisms such as the treaty bodies, the Universal Periodic Review, as well as special procedures of the Human Rights Council, in particular for the collection of information.

25. Furthermore, Mr Shinichi Ago and Mr James Brudney provided clarifications on the interplay among supervisory mechanisms and their complementarity which was based on mutual respect for each mechanism's autonomy and the fact that the Committee would often be requested by all other supervisory mechanisms to follow up on their recommendations. They also provided clarifications on the process for consideration of observations received by employers' and

workers' organizations based on the information provided in paragraphs 123 to 124 of the 2024 General Report, and on the process for closing an issue when responses fully answered the questions previously raised by the Committee, including by expressing satisfaction in the case of legislative reforms addressing previous comments made by the Committee.

E. Relations with the Conference Committee on the Application of Standards

26. A spirit of mutual respect, cooperation and responsibility has consistently prevailed over the years in the Committee's relations with the Committee on the Application of Standards of the International Labour Conference. In this context, the Chairperson of the Committee of Experts was invited to participate in the general discussion of the Conference Committee at the 112th Session of the International Labour Conference. Being unable to attend in person, the Chairperson was represented at that session by Ms. Deborah Thomas-Felix, Member of the Committee of Experts. In addition, the Chairperson of the Committee on Freedom of Association was invited once again to address the Conference Committee in order to present the Committee's Annual Report.

27. The Chairperson of the Committee of Experts invited the Employer Vice-Chairperson (Mr Kaizer Moyane) and the Worker Vice-Chairperson (Mr Marc Leemans) to participate in a special sitting of the Committee at its present session. They both accepted this invitation. An interactive and thorough exchange of views took place on matters of common interest.

28. The Chairperson of the Committee of Experts, Ms Graciela Dixon Caton, welcomed the two Vice Chairpersons of the Conference Committee to the exchange which, she noted, had become an ongoing feature of efforts to maintain a fruitful dialogue and create synergies, allowing each Committee to exercise its respective mandate autonomously and in full independence with respect to the Committee of Experts.

29. **The Employer Vice Chairperson** thanked the Committee of Experts for the invitation to participate in this dialogue which aimed at enhancing mutual understanding and was crucial to strengthening the supervisory system. He raised six points. First, with respect to the ongoing proceedings before the International Court of Justice (ICJ) for an advisory opinion on whether the right to strike of workers and their organizations was protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), he was of the view that the only viable way forward once the advisory opinion was delivered, would be to seek consensus through social dialogue and standard setting. He called on the Committee of Experts to be part of the solution once the ICJ rendered its advisory opinion in order to foster convergence among ILO constituents and recalled that past experience demonstrated that agreement between the two Committees had led to more effective implementation of standards in Member States both in law and practice. He reiterated the view that the Committee of Experts should have suspended its comments on the right to strike until the outcome of the ICJ proceedings was known.

30. Second, with respect to proposals for the streamlining of reporting currently under discussion at the Governing Body, the Employer Vice-Chairperson expressed the view that this would enhance the efficiency of the supervisory mechanism without compromising its quality and called on the Committee of Experts to contribute to ensuring that the thematic templates were comprehensive; that full transparency was ensured in reporting in order to provide a complete and accurate picture of national practices; and that the social partners continued to play an active role in the supervision of standards. Third, he asked the Committee of Experts to adopt a more balanced approach by including in its comments positive examples of compliant practices in order to help other Member States introduce similar practices in their countries. Fourth, he asked for more

explanations on the criteria and context for bringing certain cases to the attention of the Conference Committee, in addition to the information provided in the Committee of Experts report, in order to ensure more transparency. Fifth, he referred to the distinction between observations and direct requests. While noting the explanations provided on this subject in the Committee of Experts' General Report, he underlined that given the inordinate number of direct requests versus observations, it was important to find ways to avoid preventing the social partners from being part of the supervisory process. Sixth, with respect to the increase in country cases repeatedly discussed before the Governing Body on the same countries regardless of progress made, he emphasized the need for observations by the Committee of Experts which reflected the full context and called for the Committee of Experts to consider adaptable measures tailored to the conditions of each country in order to ensure a balanced approach and make space for robust social dialogue which was the only way to find sustainable solutions. Finally, he stated that the Employers' group remained committed to continuing the fruitful dialogue with the Committee of Experts.

31. In his concluding statement, the Employer Vice-Chairperson referred to the subject of sustainable enterprises by saying that the ILO Centenary Declaration for the Future of Work had made a point of promoting their needs in recognition of the evolution of the world of work since 1919. He emphasized that one could not speak about protection of workers in the absence of sustainable enterprises and that downplaying them was doing injustice to the Centenary Declaration and tripartism which characterized the ILO. He expressed the hope to see this point coming through the Committee of Experts' comments.

32. **The Worker Vice Chairperson** thanked the Committee of Experts for the invitation and expressed the conviction that exchanges with the Committee of Experts helped to improve the effectiveness of the supervisory system and to ensure that ratifying countries were able to meet their obligations. He underlined that espousing unilateral claims on which there was no consensus served no purpose and produced no impact. Looking at things from the point of view of efficiency, he noted that, for example, no government had criticized the Committee of Experts for making greater use of direct requests instead of observations, as governments were rather interested in what the two Committees had to offer to their countries. He added that, as evidenced by the statements made by several government groups in support of the Committee of Experts, the vast majority of governments had a positive approach and tried to follow up on the Committee's comments, only a small minority expressing opposition to the comments of the Committee of Experts and the Conference Committee. He drew particular attention to the cases of governments which, despite efforts to make progress, were caught up in contradictory injunctions between, on the one hand, their commitment to social justice and, on the other, the demands of creditors calling for the dismantling of the welfare state. He recalled that, in this respect, the Committee of Experts had rightly pointed out in its previous report the challenge of monitoring compliance with standards in a context of austerity measures, stressing the importance of policy coherence, which was a global issue to which the two Committees could make their modest contribution. He therefore suggested that the Committee of Experts could draw the Conference Committee's attention to a few concrete and obvious cases that illustrated the impact of austerity policies on the supervision of standards.

33. The Worker Vice-Chairperson also referred to the relationship between the promotion of sustainable enterprises and the monitoring of international labour standards by noting that a company's sustainability depended on its compliance with labour laws and international labour standards. He emphasized that the latter did not guarantee the rights of enterprises but rather those of workers. He noted that the Committee of Experts' indisputable contribution to ensuring an environment conducive to sustainable enterprises and responsible business practices was being achieved through the monitoring of Conventions ratified by governments. He added that

discussing sustainability also meant taking a closer look at the challenges posed by certain types of activity, such as supply chains, an area in which the ILO supervisory mechanisms had to play an active role, since governments could not, for example, exclude certain areas or territories from the scope of ratified Conventions except where this was explicitly allowed in the Convention concerned. Finally, he paid tribute to the dialogue that the Committee of Experts maintained with the other UN bodies, which in his view enhanced the visibility of international labour standards. He concluded by saying that these suggestions were aimed at emphasizing the will of the Workers' group to move beyond merely semantic discussions and confront today's realities and the concrete improvements that the Committee of Experts and the Conference Committee had to contribute.

34. In his concluding remarks, the Worker Vice-Chairperson added that there was no point in criticizing before the Committee of Experts, a decision taken by the Governing Body which was the appropriate forum to have a discussion on the request for an advisory opinion to the ICJ. He added that the Committee of Experts did not have any competence on the country cases discussed before either the Governing Body or the International Labour Conference and was not in a position to steer the discussions taking place in these other forums.

35. On behalf of the Committee of Experts, Ms. Lia Athanassiou thanked the two Vice-Chairpersons for their comments and underlined that these enabled the Committee to seek continuous improvements in its working methods. Mr James Brudney referred to the proceedings before the ICJ as an opportunity for the latter to review the Committee's long record of dialogue with Member States and the social partners on the modalities of the right to strike as presented in the Committee's annual observations and periodic general surveys. He added that he did not see any reason to cease participation in this ongoing dialogue while the issue was pending before the ICJ and that this should be understood as showing respect to those governments with which a long-standing dialogue was under way. Mr Brudney also recalled that while genuinely understanding that the Employer members of the Conference Committee had continuing concerns with this position, the range of issues that arose with frequency under Convention No. 87 and on which the two Committees were in regular and fundamental agreement should also be appreciated, such as the right to be free from violence and physical harassment when pursuing protected trade union and employer organization activities; the principle of non-interference from the state in the autonomy of employers' and workers' organizations; and the ability of various categories of workers to exercise their rights, and establish, join or hold office in trade union organizations.

36. Ms Lia Athanassiou noted with respect to the distinction between observations and direct requests, that this was in practice undergoing constant reassessment through the Subcommittee on working methods, but also through the work of each Committee member and the plenary discussions. She added that the Committee of Experts was constantly seeking user-friendly ways to make comments more accessible and modernize its working methods, in order to draft clear, short, pragmatic and reality-based comments for more efficient results. Mr Shinichi Ago provided clarifications on the process for placing double footnotes and emphasized that the Committee paid particular attention to limiting the number of cases that it referred to the Conference Committee in order to respect the autonomy of the Vice-Chairpersons to select a sufficient number of cases for discussion at the Conference.

F. Session with the United Nations treaty body chairpersons and special procedures mandate holders

37. An exchange was held between the Committee of Experts, four treaty body chairpersons or their representatives and two special procedures mandate holders, on the right to work in the context

of environmental, technological and demographic transitions to mark the 80th anniversary of the ILO Declaration of Philadelphia and the 60th anniversary of the Employment Policy Convention, 1964 (No. 122), and its accompanying Recommendation.

38. The exchange was attended by Ms Laura-Maria Craciunean-Tatu, Chairperson of the Committee on Economic, Social and Cultural Rights who also represented the Chairperson of the 36th annual Meeting of the Chairpersons of the Human Rights Treaty Bodies, Ms Suzanne Djabour; Ms Gertrude Oforiwa Fefoame, Chairperson of the Committee on the Rights of Persons with Disabilities; Mr Khaled C. Babacar, Rapporteur of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, on behalf of the Chairperson, Ms Fatima Dialo; Mr. Daniel Fink, Vice-Chairperson of the Subcommittee on Prevention of Torture on behalf of the Chairperson, Ms Suzanne Djabour.

39. Two special procedures mandate holders were invited to join the meeting: Ms Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons and Ms Astrid Puentes Riaño, Special Rapporteur on the human right to a clean, healthy and sustainable environment.

40. In her introductory statement, the Chairperson of the Committee of Experts, Ms Dixon Caton, commemorated the adoption of the Declaration of Philadelphia 80 years ago and emphasized the Declaration's proclamation of economic security and equal opportunity for "all human beings, irrespective of race, creed or sex" which preceded the enunciation of the right to work in Article 23 of the Universal Declaration of Human Rights. She recalled that one of the most significant ILO instruments from the point of view of the right to work was the Convention No. 122 which also marked its 60th anniversary this year, enshrining the commitment of Member States to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment. She underscored that the current environmental, digital and demographic transitions called for a renewed social contract, leaving no one behind and meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. She also referred to the ILO Global Coalition for Social Justice and noted that the Office of the High Commissioner for Human Rights had joined the Global Coalition with the flagship initiative on the human rights economy as a key intervention under the Coalition's thematic priority on realizing labour rights as human rights, ensuring human dignity and meeting basic needs.

41. On behalf of the Chairperson of the 36th Meeting of the Treaty Body Chairpersons, Ms Craciunean-Tatu emphasized the common aspirations and mandates of the Committee of Experts and the treaty bodies which were complementary, interrelated and mutually reinforcing. She noted that the High Commissioner for Human Rights and the ILO Director-General had held a high-level dialogue in November 2024 during which they had committed to deepening cooperation and operationalizing the human rights economy as a key intervention under the Global Coalition and its thematic priority on realizing labour rights as human rights, to work together through common messaging and joint country-level activities in several key thematic areas and to strengthen engagement between their respective human rights mechanisms and ILO expert mechanisms, of which today's exchange was an example. Ms Craciunean-Tatu finally noted the numerous references to human rights in the Pact for the Future and emphasized that the treaty bodies were ready to work with all stakeholders to ensure system wide commitment to human rights and enhanced coordination with international and regional human rights mechanisms.

42. With respect to demographic shifts and older workers, the Independent Expert on the enjoyment of all human rights by older persons, Ms Claudia Mahler, noted that population ageing was a prominent feature of global demographic change generating a need to secure the enjoyment of all human rights by older persons, including the right to work and social protection. She noted

that the absence of a universal pension system left older persons economically vulnerable, inducing them to continue to work after reaching their retirement age due to financial constraints, especially in developing countries and rural regions. She added that in other cases, older persons continued to work because they continued to draw social and personal benefits from their work, including a sense of purpose, social status and even physical well-being. She called for flexible and human-based retirement policies to address this phenomenon. She condemned age-based discrimination in recruitment, career advancement and separation from employment due to ageism as well as false and negative stereotypes about older workers' adaptability to digital technologies, which exacerbated intersectional discrimination against women, migrants, disabled persons or indigenous peoples. She regretted that the Pact for the Future did not contain sufficient references to older persons and called for the matter to be given the attention it deserved.

43. With respect to environmental transitions, the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Ms Astrid Puentes Riaño, highlighted the interdependence of the right to work and the right to a healthy environment. She addressed the triple planetary crisis of climate change, biodiversity loss and pollution noting the systemic inequalities which exacerbated it, causing disproportionate effects on the most vulnerable. She emphasized the principles of universality, indivisibility and interdependence of human rights including the right to a healthy environment recognized by 164 UN Member States in addition to the 2021 Human Rights Council and 2022 UN General Assembly resolutions. She called for the universal ratification of the ILO's Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), highlighting the need for transformative policies in high-impact sectors such as mining, fossil fuel extraction and use, fisheries and agro-industry, and sectors particularly exposed to risks from heat waves and other extreme weather events. She emphasized that protecting a healthy environment in the world of work was an essential prerequisite for a just transition that advanced all human rights in an integrated and mutually reinforcing way and underscored the procedural aspects of the right to a healthy environment such as access to information, to public participation and to justice as crucial tools for enforcing labour and environmental rights in a holistic approach.

44. With respect to digital transition, Ms Irene Kashindi, member of the Committee of Experts, referred to the first discussion for the adoption of an instrument on decent work in the platform economy which was scheduled to take place at the 113th Session of the International Labour Conference in June 2025 and could lead, in June 2026, to the first international instrument on matters pertaining to the future of work, setting human-centric rules of the game in relation to the definition of platforms and platform work, the right to collective bargaining of self-employed platform workers, the approach to algorithmic management and the conditions of work in the platform economy including wages, working time and occupational safety and health. She emphasized that technological progress should benefit all workers, and referred to Action 34 of the Pact for the Future, which contained a commitment to invest in the social and economic development of children and young people, underscoring the instrumental role of employment policies in enabling the much-needed transitions from the informal to the formal economy as well as the role of the State in piloting employment policies in effective consultation with the most representative employers' and workers' organizations.

45. Mr José Roberto Hererra Vergara, member of the Committee of Experts, referred to the importance of the right to social security for building resilient and sustainable economies and a just transition as the recently released World Social Protection Report had revealed that 2.1 billion people were facing the ravages of climate change without any protection. He emphasized the role of universal social protection systems and the ILO Social Protection Floors Recommendation, 2012 (No. 202), in this regard. He also recalled the crucial role of social protection in guaranteeing the

right to work for older persons through inclusive policies that combined adequate pensions with incentives for active employment and investment in lifelong learning.

46. Ms Kamala Sankaran, member of the Committee of Experts, commemorated the 75th anniversary of the ILO Migration for Employment Convention (Revised), 1949 (No. 97), and the 50th anniversary of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), in 2025, noting that migration flows were as old as humanity itself and had always been primarily influenced by the search for livelihoods and employment. She noted the commitment in Action 6 of the Pact for the Future to "maximize the positive contribution of migrants to the sustainable development of origin, transit, destination and host countries", while observing the increased risk of discrimination and xenophobia against migrant workers, which often resulted in a migrant worker pay gap and violence and harassment against migrants. She recalled the relatively low ratification rates of Conventions Nos 97 and 143 despite their topicality as well as the fact that, like for the UN Convention on migrant workers, ratifying countries were mostly countries of origin and not destination countries. She emphasized the importance of promoting fair recruitment, referencing in this regard the ILO General Principles and Operational Guidelines for Fair Recruitment and the UN Global Compact for Migration adopted in 2018.

47. Ms Monica Pinto, member of the Committee of Experts, commemorated the 35th anniversary of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), by recalling that it was the first and only internationally binding instrument that recognized the right of indigenous peoples to self-identification and their right to participate in decisions over all questions affecting them, and noted that the key pillars of the Convention were the creation of a system of land rights and the recognition of consultation as a fundamental right, thereby highlighting the key role played by indigenous peoples in efforts to address climate change by mitigating environmental impacts through the sustainable use of resources. She concluded by saying that, as several comments by the Committee of Experts noted the physical and psychological violence suffered by indigenous peoples due to conflicts over land rights and the exploitation of natural resources, the Committee of Experts had the possibility by exercising its mandate to supervise the application of Convention No. 169, to defend the rights of indigenous peoples in order to promote alternative and sustainable solutions to the current environmental crisis.

48. Ms Craciunean-Tatu, Chairperson of the Committee on Economic, Social and Cultural Rights, underscored the great importance that her Committee attached to cooperation with the Committee of Experts, given that the mandates of the two Committees were complementary. She recalled the long-standing exchanges between the two Committees including joint statements and important ILO contributions to the General Comments Nos 18 on the right to work, 19 on social security, 20 on non-discrimination in economic, social and cultural rights and 23 on the right to just and favourable conditions of work. She also informed the Committee that the entry into force in 2013 of the Optional Protocol to the Covenant which allowed for the filing of individual complaints, had enabled her Committee to develop the justiciability of several rights including the right to social security which was crucial in the context of transitions. Finally, she invited the ILO to provide input to her Committee's upcoming General Comment on the environmental dimension of sustainable development which aimed at emphasizing the central position of human rights for balanced progress on all aspects of sustainable development.

49. Ms Gertrude Oforiwa Fefoame, Chairperson of the Committee on the Rights of Persons with Disabilities, emphasized that the right to work needed to be exercised in line with the principle of inclusion of persons with disabilities through appropriate policies addressing ableism, stereotypes and discrimination. She emphasized that reasonable accommodation tailored to each individual's needs was essential in order to enable persons with disabilities to exercise their right to work by enabling accessibility, enhanced education, training and career development. She emphasized that persons with disabilities did not wish tokenism but rather open job market

employment to accomplish their potential. Noting the issues reflected in the Pact for the Future she called for the digital transition to become a way to improve the quality of life of persons with disabilities through accessibility of digital equipment, training and affordability, particularly in developing countries and rural communities with social protection playing a central role in this regard.

50. In their closing statements the Chairperson of the Committee of Experts and the representative of the Chairperson of the 36th annual Meeting of the Treaty Body Chairpersons, thanked the participants for the third exchange and expressed the hope that the thematic exchanges would continue in the future.

G. Current developments on maritime matters

51. In its previous reports, the Committee noted with deep concern the impact that situations such as the COVID-19 pandemic [2] and the war in Ukraine [3] had had on the protection of seafarers' rights as laid out in the MLC, 2006. The Committee had called on governments to recognize seafarers as key workers, acknowledging their pivotal role in the functioning of supply chains and recalled that it is precisely at times of crisis that the protective coverage of the MLC, 2006, assumes its full significance and needs to be most scrupulously applied. The Committee notes with deep concern that, in the last year, a number of seafarers have lost their lives and several merchant ships have suffered missile attacks in the Red Sea, severely affecting the safety of the seafarers on board.

52. In this context, the Committee welcomes the unprecedented resolution adopted in July 2024 by the United Nations Human Rights Council on promoting and protecting the enjoyment of human rights by seafarers. ***Noting that the resolution builds clear synergies between the work conducted by the ILO, the International Maritime Organization and the UN General Assembly regarding the need to adopt measures to strengthen the effective enjoyment of seafarers' human rights, including labour rights, the Committee wishes to highlight its main elements as follows and calls upon all ILO Member States to step up their efforts in this regard:***

The Human Rights Council,

1. *Acknowledges* the obligation of States parties to the Maritime Labour Convention, 2006, as amended, to cooperate with each other for the purpose of ensuring the effective implementation and enforcement of the Convention;

2. *Calls upon* States parties, shipowners' representatives and seafarers' representatives to enhance the enforcement of the Maritime Labour Convention, 2006, as amended, to ensure safe and decent living and working conditions for all seafarers;

3. *Calls* upon States and other relevant shipping industry stakeholders to promote and protect effectively the enjoyment of human rights and fundamental freedoms by seafarers, including their right to life, right to the enjoyment of just and favourable conditions of work, including safe and healthy working conditions, and right to the enjoyment of the highest attainable standard of physical and mental health;

4. *Urges* shipping industry stakeholders to respect the right of seafarers to the opportunity to gain their living by work that they freely choose or accept, including decisions on whether to sail or continue sailing in high-risk areas [4], and that the realization of this right should not negatively affect a seafarer's employment competitiveness or future deployment;

[2] General observation adopted in 2020 on matters arising from the application of the Maritime Labour Convention, 2006, as amended, (MLC, 2006) during the COVID-19 pandemic.

[3] ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Application of International Labour Standards, International Labour Conference, 111th Session, 2023, para. 75.

[4] In this regard, the Committee wishes to draw governments' attention to Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155), according to which "a worker who has removed himself from a work situation which he has reasonable

5. *Urges* States to continue efforts to eliminate all forms of forced or compulsory labour in the shipping industry;

6. *Urges* all States Members of the United Nations to designate seafarers and other marine personnel as key workers, in line with General Assembly resolution 75/17 of 1 December 2020, on international cooperation to address challenges faced by seafarers as a result of the coronavirus disease (COVID-19) pandemic to support global supply chains;

7. *Encourages* States, consistent with the Guiding Principles on Business and Human Rights, to ensure that business enterprises in the global maritime industry uphold the principle of corporate responsibility to respect human rights;

8. *Encourages* business enterprises in the global maritime industry to meet their responsibility to respect human rights, including by instituting a human rights due diligence process to identify, prevent, mitigate and enable remediation for any adverse human rights impacts of business operations;

9. *Urges* all stakeholders to step up efforts to advance gender equality and empowerment in the shipping industry by, among other things, capacity-building, collecting disaggregated data and promoting equitable hiring practices;

10. *Calls upon* all stakeholders to institute policies, measures and programmes to prevent effectively violence and harassment, including sexual harassment and assault, bullying and all forms of discrimination on-board vessels, in order to foster an environment where all seafarers, including women seafarers, are safe and their rights respected;

11. *Encourages* all shipping industry stakeholders to meaningfully celebrate the Day of the Seafarer every year on 25 June;

12. *Urges* stronger collaboration between States, shipowners' representatives, seafarers' representatives, the International Labour Organization, the International Maritime Organization, non-governmental organizations and other stakeholders to uphold and protect the rights and dignity of all seafarers all over the world.

53. The Committee further welcomes the forthcoming entry into force of the 2022 amendments to the Code of the MLC, 2006, on 23 December 2024 and highlights the usefulness of the simplified process of amendments contained in this Convention to respond to the changing needs and challenges faced by the maritime sector. The Committee welcomes in particular the right of seafarers to social connectivity (internet) which represents a significant step forward in ensuring that seafarers can connect with their families and friends during the long periods on board and a necessary element to continue to attract and retain seafarers, in particular young seafarers and women. The Committee further welcomes the creation of a Global register of all deaths at sea which will allow the ILO to gather reliable statistics on these dire situations and inform the adoption of timely corrective measures. ***The Committee urges all ratifying Member States bound by these amendments to adopt the necessary measures to implement the new provisions taking into account that they contain significant concrete measures to further enhance the well-being of seafarers.***

H. Current developments on violence in the world of work

54. Throughout the discharge of its mandate this year, the Committee noticed an increased level of violence in the world of work. The Committee noted with concern allegations of violence – including killings – regarding the application of numerous Conventions such as the Conventions on freedom of association (Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)), equality and non-discrimination (Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111)),

justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice".

indigenous peoples (Indigenous and Tribal Peoples Convention, 1989 (No. 169)), occupational safety and health (Occupational Safety and Health Convention, 1981 (No. 155), Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)), child labour (Worst Forms of Child Labour Convention, 1999 (No. 182)) and forced labour (Forced Labour Convention, 1930 (No. 29)). Accordingly, the Committee notes with particular concern that violence has broad implications particularly for women's rights and participation in the workforce. Regretting that this appears to be a cross-cutting and pervasive concern, the Committee trusts that the recent adoption and ratification of the Violence and Harassment Convention, 2019 (No. 190), will ensure focused attention on this matter and urges all Governments to adopt adequate measures to tackle this phenomenon.

II. Compliance with standards-related obligations

A. Reports on ratified Conventions (articles 22 and 35 of the Constitution)

55. The Committee's principal task consists of the examination of the reports supplied by governments on Conventions that have been ratified by Member States (article 22 of the Constitution) and that have been declared applicable to non-metropolitan territories (article 35 of the Constitution).

Reporting arrangements

56. In accordance with the decision taken by the Governing Body at its 258th Session (November 1993), the reports due on ratified Conventions should be sent to the Office between **1 June** and **1 September** of each year. With reference to the discussion that took place in the Subcommittee on Working Methods this year, ***the Committee invites reports to be sent on the due date of 1 June.***

57. The Committee recalls that detailed reports should be sent in the case of first reports (a first report is due after ratification) or when specifically requested by the Committee of Experts or the Conference Committee. In all other cases, simplified reports are requested on a regular basis. [5] The Committee draws the reader's attention to the Report's section on working methods. This section refers to Governing Body discussions on proposals for the streamlining of reporting on the basis of 15 thematic implementation reports which, if adopted, would replace the simplified reports.

58. The Committee also recalls that, at its 306th Session (November 2009), the Governing Body decided to increase from two to three years the regular reporting cycle for the fundamental and governance Conventions. At its 334th Session (October–November 2018) the Governing Body decided to increase the reporting cycle from five to six years for all other Conventions. In certain cases, reports may be requested outside of the regular reporting cycle. [6]

[5] In 1993, a distinction was made between detailed and simplified reports. As explained in the report forms, in the case of simplified reports, information need normally be given only on the following points: (a) any new legislative or other measures affecting the application of the Convention; (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations; and (c) replies to comments by the supervisory bodies. At its 334th Session, the Governing Body adopted a new report form to facilitate reporting by governments when they are expected to provide simplified reports (GB.334/INS/5).

[6] There are several ways in which a report can be requested outside of the regular reporting cycle: (i) the Committee can place a special request in a footnote at the end of a comment for a report to be sent earlier than the year it is due according to the reporting cycle (see General Report, para. 88); (ii) an "automatic" request is sent when the government has failed to send a report in the framework of the regular reporting cycle or the report sent did not contain an answer to the Committee's comments. If a government has failed to send a report for a number of years, the case is singled out in Part II (section I) of this report and examined every year by the Conference Committee during its discussion on serious failures to fulfil reporting obligations; (iii) the Conference Committee on the Application of Standards can ask a government to submit a report to the Committee of Experts outside of the reporting cycle following the examination of an individual case and when it discusses the cases of serious failure to report; (iv) the Governing Body may ask a government to send a report to the Committee of Experts outside of the reporting cycle based on the recommendations of tripartite committees established to examine representations under article 24 of the ILO Constitution or the recommendations of Commissions of Inquiry established to examine complaints under article 26 of the ILO Constitution.

Compliance with reporting obligations

Number of reports received within the deadlines

59. This year a total of 1,909 reports (1,836 reports under article 22 of the Constitution and 73 reports under article 35 of the Constitution) were requested from governments on the application of Conventions ratified by Member States, compared to 2,131 reports last year. At the end of the present session of the Committee, 1,405 reports were received by the Office, corresponding to 73.6 per cent of the reports requested. [7] Last year, the Office received a total of 1,605 reports, representing 75.3 per cent. The Committee notes in particular that 43 of the 81 first reports due on the application of ratified Conventions were received by the time the Committee's session ended (last year, 42 of the 79 first reports due had been received).

60. The Committee observes that the percentage of reports received before the due date of 1 September decreased slightly from last year. In particular, 809 reports were received by the due date of 1 September this year, representing 42.4 per cent of reports requested, compared with 971 reports received at the previous session, representing 45.6 per cent of reports requested. The Committee would like to express its appreciation to the Member States which made special efforts to ensure compliance with their reporting obligations.

61. The Committee notes that out of 1,405 reports received this year, 596 were received after 1 September. This represents 42.4 per cent of the reports received this year. The Committee refers once again to the fact that the deadline for submission of reports is 1 June while noting the further period of three months until 1 September. Beyond that date, the late submission of reports seriously disturbs the sound operation of the supervisory mechanism as the examination of reports received after the deadline might be postponed due to their late arrival. Moreover, their examination in subsequent Committee sessions prevents the Committee from fully focusing on the specific thematic areas due for discussion each year and also prevents governments and the social partners from obtaining timely feedback on their reports.

62. ***The Committee asks all Member States to make every effort to send the reports due under articles 19, 22 and 35 of the ILO Constitution, to do so within the deadlines and to submit complete answers to the Committee's requests so as to allow for a thorough examination by the Committee.*** It recalls that ILO technical assistance is available to help Member States comply with their constitutional obligations and asks the Office to provide every support in this regard, while urging those Member States who have received Office assistance in recent years to make sustained efforts to ensure timely submission of their reports.

Failure to respect reporting obligations

63. When examining the failure by Member States to respect their reporting obligations, the Committee adopts "general" comments (contained at the beginning of Part II (section I) of this report). It makes general observations when none of the reports due have been sent for two or more years; or when a first report has not been sent for two or more years. It makes a general direct request when, in the current year, a country has not sent the reports due, or the majority of reports due; or it has not sent a first report due.

[7] Appendix I to this Report provides an indication by country of whether the reports requested (under articles 22 and 35 of the Constitution) have been registered or not by the end of the meeting of the Committee. Appendix II shows, for the reports requested under article 22 of the Constitution, for each year since 1932, the number and percentage of reports received by the prescribed date, by the date of the meeting of the Committee of Experts and by the date of the session of the International Labour Conference.

64. Furthermore, as of 2017 the Committee gradually introduced a practice of urgent appeals according to which it may examine how a Convention is implemented in a ratifying country on the basis of information at its disposal if the Government has failed to submit a first report after ratification. In the meantime, a number of countries responded to urgent appeals by submitting the reports due. As of 2018, the practice of urgent appeals was extended to all reports due for more than three years. In 2020, the Committee issued for the first-time repetitions of previous comments with a new introductory text ("chapeau") [8] informing the government concerned in cases where reports were not received for three years or more, that if no report is supplied in time for examination by the Committee at its next session, then the Committee may proceed with the examination of the application of the Convention on the basis of information at its disposal.

65. This year, the Committee examined the case of Haiti on the application of the Labour Inspection Convention, 1947 (No. 81), in the absence of a government report following an urgent appeal.

66. Based on the information provided in the "general" comments (Part II, section I of the report), none of the reports due have been sent for the past two or more years from the following **14** countries: **Afghanistan, Barbados, Comoros, Djibouti, Haiti, Marshall Islands, Papua New Guinea, Saint Lucia, San Marino, Somalia, Syrian Arab Republic, Tonga, Vanuatu** and **Yemen.** ***The Committee urges the Governments concerned to make every effort to supply the reports requested on ratified Conventions.***

67. Moreover, the Committee launches an urgent appeal to the Member States that have failed to submit a report for more than three years, drawing their attention to the fact that if the reports due are not received in time for examination by the Committee at its next session, it may proceed to examine the application of the Conventions concerned on the basis of public information at its disposal. This year, the Committee launches an urgent appeal in its repetitions of previous comments to which a reply has not been received, requesting the following countries to submit a report with replies to the Committee's comments at its next session:

Urgent appeals launched in repetitions of previous comments	
State	**Conventions Nos**
Afghanistan	105, 138, 140, 141, 142, 144 and 182
Antigua and Barbuda	81, 87, 100, 111, 122, 135, 138, 144 and 151
Barbados	81, 87, 105, 122, 144 and 182
Comoros	1, 13, 26/95/99, 29, 52/89, 81, 87, 98, 100, 105, 111, 122, 138 and 182
Congo	26/95 and MLC, 2006
Djibouti	1, 13/115/120, 14, 26/95/99, 52, 89, 101, 106 and 122
Equatorial Guinea	68/92
Haiti	98
Papua New Guinea	29, 87, 98, 122 and 158

[8] The introductory text ("chapeau") now reads: The Committee notes with ***deep concern*** that the Government's report has not been received. It expects that the next report will contain full information on the matters raised in its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Urgent appeals launched in repetitions of previous comments	
State	**Conventions Nos**
Saint Lucia	87, 98, 108 and 158
Somalia	87 and 98
South Sudan	100, 105, 111, 138 and 182
Syrian Arab Republic	29, 87, 98, 100, 105, 107, 111, 138, 144 and 182
United Kingdom of Great Britain and Northern Ireland – British Virgin Islands	82 and 94
Vanuatu	87, 98 and 182
Yemen	87, 94, 98, 100, 111, 122, 144, 158 and 159

68. In addition, the Committee launches an urgent appeal to the following Governments to submit reports due for more than three years, on which no comments are pending:

Urgent appeals for reports on which no comments are pending	
State	**Conventions Nos**
Antigua and Barbuda	11, 29, 98, 105, 154 and 182
Barbados	90, 135, 138 and 172
Comoros	12, 14, 19, 101 and 106
Congo	13, 89 and 119
Haiti	90 and 105
Montenegro	12, 19, 102 and 121
Papua New Guinea	11
Saint Lucia	11, 12, 94, 97 and 105
Somalia	19, 84, 94 and 105
Syrian Arab Republic	11 and 135
Vanuatu	29, 100, 105 and 111
Yemen	19

69. In relation to first reports, the Committee notes that **11** countries have failed to supply a first report for two or more years:

State	Conventions Nos
Antigua and Barbuda	Since 2023: Conventions Nos 177, 181, 184, 185, 187 and 188
Comoros	Since 2023: Conventions Nos 97 and 143
Djibouti	Since 2022: Convention No. 183

State	Conventions Nos
Iraq	Since 2022: Convention No. 185
Marshall Islands	Since 2021: Convention No. 182
Saint Lucia	Since 2023: Convention No. 155
Somalia	Since 2023: Conventions Nos 97, 143, 144, 155, 181, 187 and 190
Sudan	Since 2023: Conventions Nos 87 and 144
Tonga	Since 2022: Convention No. 182
Tuvalu	Since 2021: Convention No. 182
Vanuatu	Since 2021: Convention No. 138

70. ***The Committee urges the governments concerned to make a special effort to supply the first reports due.*** The Committee launches an urgent appeal drawing the attention of the following Governments which have not sent a first report for more than three years to the fact that if the first report is not received in time for examination by the Committee at its next session, it may proceed to examine the application of the Convention in the countries concerned on the basis of public information at its disposal: **Djibouti (Convention No. 183), Iraq (Convention No. 185), Marshall Islands (Convention No. 182), Tonga (Convention No. 182), Tuvalu (Convention No. 182)** and **Vanuatu (Convention No. 138).**

71. The Committee, like the Conference Committee, emphasizes the particular importance of first reports, which provide the basis on which the Committee makes its initial assessment of the application of the specific Conventions concerned. The Committee is aware that, where no reports have been sent for some time, it is likely that administrative or other problems are at the origin of the difficulties encountered by governments in fulfilling their constitutional obligations. The COVID-19 pandemic and subsequent crises have no doubt aggravated such difficulties. [9] The Committee would like to express its appreciation to the governments which submitted **6** first reports this year. [10] ***It recalls the importance for governments to request assistance from the Office, and for such assistance to be provided for the preparation of first reports.***

Communication of reports to the social partners

72. The Committee is pleased to note that, over the last three years, all countries have provided information on the communication of reports to employers' and workers' organizations in accordance with article 23, paragraph 2 of the Constitution thereby enabling representative organizations of employers and workers to participate fully in the supervision of the application of international labour standards in accordance with the tripartite nature of the ILO. [11]

[9] In certain exceptional cases, the absence of reports is a result of more general difficulties related to the national situation, which prevents the provision of any technical assistance by the Office.

[10] Cook Islands (MLC, 1006), Fiji (Convention No. 190), Grenada (MLC, 2006, and Convention No. 189), Lebanon (MLC, 2006) and Sudan (MLC, 2006).

[11] General Report, paras 103–112.

Replies to the comments of the Committee

73. Governments are requested to reply in their reports to the observations and direct requests made by the Committee.

74. This year, no information has been received as regards all or most of the observations and direct requests of the Committee to which a reply was requested for the following countries: **Afghanistan, Antigua and Barbuda, Barbados, Belize, Brunei Darussalam, Burundi, Comoros, Congo, Cook Islands, Croatia, Cuba, Denmark (Greenland), Djibouti, Equatorial Guinea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Israel, Kenya, Kiribati, Liberia, Libya, Lithuania, Montenegro, Nigeria, Palau, Papua New Guinea, Saint Lucia, San Marino, Saudi Arabia, Serbia, Somalia, South Sudan, Suriname, Syrian Arab Republic, Thailand, Timor-Leste, Turkmenistan, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands and Montserrat), Vanuatu, Viet Nam** and **Yemen.**

75. The Committee notes with ***concern*** that the number of comments to which replies have not been received remains high. The Committee underlines that the value attached by ILO constituents to the dialogue with the supervisory bodies on the application of ratified Conventions is considerably diminished by the failure of governments to fulfil their obligations in this respect. ***The Committee urges the countries concerned to provide all the information requested and recalls that they may avail themselves of the technical assistance of the Office in this regard.***

Follow-up to cases of serious failure by Member States to fulfil reporting obligations mentioned in the report of the Committee on the Application of Standards

76. As the functioning of the supervisory system is based primarily on the information provided by governments in their reports, both the Committee and the Conference Committee considered that failure by Member States to fulfil their obligations in this respect has to be given the same level of attention as non-compliance relating to the application of ratified Conventions. The two Committees have therefore decided to strengthen, with the assistance of the Office, the follow-up given to these cases of failure.

77. The Committee welcomes the fruitful collaboration that it maintains with the Conference Committee on this matter of mutual interest which is essential to the proper discharge of their respective tasks. It asks the Office to maintain the sustained technical assistance that it has been providing to Member States in this respect.

B. Examination by the Committee of Experts of reports on ratified Conventions

78. In examining the reports received on ratified Conventions and those declared applicable to non-metropolitan territories, in accordance with its practice, the Committee assigned to each of its members the initial responsibility for a group of Conventions. The members submit their preliminary conclusions on the instruments for which they are responsible to the Committee in plenary sitting for discussion and approval. Decisions on comments are adopted by consensus.

79. The Committee wishes to inform Member States that it examined all reports that were brought to its attention.

Observations and direct requests

80. First of all, the Committee considers that it is worthy of note that in 277 cases it has found, following examination of the corresponding reports, that no further comment was called for regarding the manner in which a ratified Convention had been implemented.

81. In other cases, however, the Committee has found it necessary to draw the attention of the governments concerned to the need to take further action to give effect to certain provisions of Conventions or to supply additional information on given points. As in previous years, its comments have been drawn up in the form of either "observations", which are reproduced in the report of the Committee, or "direct requests", which are not published in the Committee's report, but are communicated directly to the governments concerned and are available online. [12]

82. Observations are generally used in more serious or long-standing cases of failure to fulfil obligations. They point to important discrepancies between the obligations under a Convention and the related law and/or practice of Member States. They may address the absence of measures to give effect to a Convention or to take appropriate action following the Committee's requests. They may also highlight progress, as appropriate. Direct requests allow the Committee to be engaged in a continuing dialogue with governments often when the questions raised are primarily of a technical nature. They can also be used for the clarification of certain points when the information available does not enable a full appreciation of the extent to which the obligations are fulfilled. Direct requests are also generally used to examine the first reports supplied by governments on the application of Conventions.

83. This year the Committee made 625 observations and 1,145 direct requests. The Committee's observations appear in Part II of this report, together with, for each subject, a list of direct requests. An index of all observations and direct requests, classified by country, is provided in Appendix VII to the report.

Follow-up to the conclusions of the Committee on the Application of Standards

84. The Committee examines the follow-up to the conclusions of the Committee on the Application of Standards as this information forms an integral part of the Committee's dialogue with the governments concerned. This year, the Committee has examined the follow-up to the conclusions adopted by the Committee on the Application of Standards during the last session of the International Labour Conference (112th Session, June 2024) in the following cases:

List of cases in which the Committee has examined the follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

State	Conventions Nos	Page
Algeria	98	106
Australia	122	878
Belarus	87 and 98	115 and 123
Cambodia	87	125
Ecuador	87	145

[12] Observations and direct requests are accessible through the NORMLEX database, on the ILO website (www.ilo.org/normes).

List of cases in which the Committee has examined the follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)		
State	**Conventions Nos**	**Page**
El Salvador	87	160
Eswatini	87	169
Gambia	138	549
Guinea	105	372
Japan	87	230
Kazakhstan	81/129	802
Lao People's Democratic Republic	111	703
Netherlands – Sint Maarten	87	299
Nicaragua	87	304
Paraguay	81	830
Peru	169	1050
Philippines	87	323
Tunisia	87	340
Türkiye	98	342
Turkmenistan	105	441
Uganda	138	608

Follow-up of representations under article 24 of the Constitution and complaints under article 26 of the Constitution

85. In accordance with the established practice, the Committee also examines the measures taken by governments pursuant to the recommendations of tripartite committees (set up to examine representations under article 24 of the Constitution) and commissions of inquiry (set up to examine complaints under article 26 of the Constitution). The corresponding information forms an integral part of the Committee's dialogue with the governments concerned. The Committee considers it useful to indicate more clearly the cases in which it follows up on the effect given to the recommendations made under these constitutional supervisory procedures, as indicated in the following tables.

List of cases in which the Committee has examined the measures taken by governments to give effect to the recommendations of commissions of inquiry (complaints under article 26)	
State	**Conventions Nos**
Belarus	87 and 98
Myanmar	29 and 87
Bolivarian Republic of Venezuela	26

List of cases in which the Committee has examined the measures taken by governments to give effect to the recommendations of tripartite committees (representations under article 24)	
State	**Conventions Nos**
Brazil	169
Chile	35/37
Ethiopia	111
Guinea	81 and 187
Indonesia	111
Spain	106
Sri Lanka	81
Tunisia	81

86. In addition, the Committee followed up on Governing Body discussions on an article 26 complaint which has not yet led to the establishment of a Commission of Inquiry in the cases of Bangladesh (Convention No. 81), Guatemala (Conventions Nos 87 and 98) and Nicaragua (Conventions Nos 87, 98 and 144).

Follow-up given to legislative aspects referred by the Committee on Freedom of Association

87. In accordance with established practice, the Committee also examines the legislative aspects referred to it by the Committee on Freedom of Association. At the latter's request, the Committee decided to indicate these cases in the following table.

List of cases in which the Committee has examined the follow-up given to legislative aspects referred to it by the Committee on Freedom of Association	
State	**Conventions Nos**
Algeria	87 and 98
El Salvador	87 and 98
Eswatini	87
Guatemala	87 and 98
Honduras	98
Malaysia	98
Tunisia	87

Special notes

88. As in the past, the Committee has indicated by special notes (traditionally known as "footnotes") at the end of its comments the cases in which, because of the nature of the problems encountered in the application of the Conventions concerned, it has deemed it appropriate to ask the

government to supply a report earlier than would otherwise have been the case and, in some instances, to supply full particulars to the Conference at its next session in June 2025.

89. In order to identify cases for which it inserts special notes, the Committee uses the basic criteria described below, while taking into account the following general considerations. First, the criteria are indicative. In exercising its discretion in the application of the criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, the criteria are applicable to cases in which an earlier report is requested, often referred to as a "single footnote", as well as to cases in which the government is requested to provide detailed information to the Conference, often referred to as a "double footnote". The difference between these two categories is one of degree. Third, a serious case otherwise justifying a special note to provide full particulars to the Conference (double footnote) might only be given a special note to provide an early report (single footnote) when there has been a recent discussion of the case in the Conference Committee. Finally, the Committee wishes to point out that it exercises restraint in its recourse to "double footnotes" in deference to the Conference Committee's decisions as to the cases it wishes to discuss.

90. The criteria to which the Committee has regard are the following:

- the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers' health, safety and well-being, as well as any adverse impact, including at the international level, on workers and other categories of protected persons;
- the persistence of the problem;
- the urgency of the situation; the evaluation of such urgency is necessarily case specific, according to standard human rights criteria, such as life-threatening situations or problems where irreversible harm is foreseeable;
- the quality and scope of the government's response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.

91. In addition, the Committee wishes to emphasize that its decision not to double footnote a case which it has previously drawn to the attention of the Conference Committee in no way implies that it has considered progress to have been made therein.

92. At its 76th Session (November–December 2005), the Committee decided that the identification of cases in respect of which a government is requested to provide detailed information to the Conference would be a two-stage process: first, the expert initially responsible for a particular group of Conventions recommends to the Committee the insertion of special notes; second, in light of all the recommendations made, the Committee will, after discussion, take a final, collegial decision once it has reviewed the application of all the Conventions.

93. This year, the Committee has requested governments to supply full particulars to the Conference at its next session in June 2025 in the following cases:

List of the cases in which the Committee has requested governments to supply full particulars to the Conference at its next session in June 2025

State	Conventions Nos
Afghanistan	111
Chad	182
Ecuador	98

List of the cases in which the Committee has requested governments to supply full particulars to the Conference at its next session in June 2025	
State	**Conventions Nos**
Kyrgyzstan	81
Libya	29

94. In addition, the Committee has requested a full reply to its comments outside of the reporting cycle in the following cases:

List of the cases in which the Committee has requested a full reply to its comments outside of the reporting cycle	
State	**Conventions Nos**
Angola	188
Argentina	188
Belarus	144
Benin	143
Cameroon	77/78
Chile	35/37
China	29 and 105
Ecuador	87
El Salvador	87
Eswatini	87
Guatemala	19, 87, 98, 103, 141 and 162
Guinea	140
Italy	87
Jordan	98
Kazakhstan	87
Lebanon	MLC, 2006
Mexico	189
Namibia	189
Nicaragua	87 and 169
Oman	MLC, 2006
Paraguay	189
Peru	112/113/114
Philippines	MLC, 2006

List of the cases in which the Committee has requested a full reply to its comments outside of the reporting cycle	
State	**Conventions Nos**
Republic of Korea	87
Russian Federation	13/115/119/120/139/148/155/162/167/174/176/184/187
Rwanda	26
Senegal	188
Seychelles	138
Sierra Leone	125/126
Bolivarian Republic of Venezuela	26/95, 111 and 169

Cases of progress

95. Following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee refers in its comments to cases in which it expresses its ***satisfaction*** or ***interest*** at the progress achieved in the application of the respective Conventions.

96. At its 80th and 82nd Sessions (2009 and 2011), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:

(1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment **the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters** which, in its view, have not been addressed in a satisfactory manner.

(2) The Committee wishes to emphasize that **an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measures adopted by the government concerned.**

(3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.

(4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.

(5) If the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up measures for its practical application.

(6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers' and workers' organizations.

97. Since first identifying cases of satisfaction in its report in 1964, [13] the Committee has continued to follow the same general criteria. The Committee expresses ***satisfaction*** in cases in which, **following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with**

[13] Report of the Committee of Experts submitted to the 48th Session (1964) of the International Labour Conference, para. 16.

their obligations under the respective Conventions. In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:

- to place on record the Committee's appreciation of the positive action taken by governments in response to its comments;
- to provide an example to other governments and social partners which have to address similar issues.

98. Details concerning these cases of progress are found in Part II of this report and cover **35** instances in which measures of this kind have been taken in **27** countries. The full list is as follows:

List of the cases in which the Committee has been able to express its satisfaction at certain measures taken by the governments of the following countries

State	Conventions Nos
Australia	MLC, 2006
Burundi	100 and 111
Czechia	111
Ethiopia	111
Fiji	87 and 98
Gabon	100 and 111
Gambia	111
Ireland	102/121 and 111
Italy	102/118
Jordan	111
Kyrgyzstan	81
Lesotho	87 and 155
Madagascar	100 and 111
Malaysia	98
Netherlands – Curaçao	151
New Zealand	98
Panama	MLC, 2006
Paraguay	81
Philippines	185
Republic of Moldova	87
Romania	135
Serbia	106/132

List of the cases in which the Committee has been able to express its satisfaction at certain measures taken by the governments of the following countries	
Slovenia	111 and 121
Sri Lanka	138 and 182
Uruguay	181
Zambia	158
Zimbabwe	138

99. Thus, the total number of cases in which the Committee has been led to express its ***satisfaction*** at the progress achieved following its comments has risen to **3,263** since the Committee began listing them in its report.

100. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979.[14] In general, cases of ***interest*** cover **measures that are sufficiently advanced to justify the expectation that further progress would be achieved in the future and regarding which the Committee would want to continue its dialogue with the government and the social partners.** The Committee's practice has developed to such an extent that cases in which it expresses interest may encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

- draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee;
- consultations within the government and with the social partners;
- new policies;
- the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office;
- judicial decisions, according to the level of the court, the subject matter and the force of such decisions in a particular legal system, would normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction; or
- the Committee may also note as cases of interest the progress made by a state, province or territory in the framework of a federal system.

101. Details concerning the cases in question are found either in Part II of this report or in the requests addressed directly to the governments concerned, and include **180** instances in which measures of this kind have been adopted in **101** countries. The full list is as follows:

List of cases in which the Committee has been able to note with interest certain measures taken by the Governments of the following countries	
State	**Conventions Nos**
Albania	144 and 183
Argentina	177
Australia	122

[14] Report of the Committee of Experts submitted to the 65th Session (1979) of the International Labour Conference, para. 122.

List of cases in which the Committee has been able to note with interest certain measures taken by the Governments of the following countries	
State	**Conventions Nos**
Azerbaijan	144 and 149
Bangladesh	81 and 144
Plurinational State of Bolivia	189
Botswana	144
Brazil	144 and 169
Bulgaria	177
Burkina Faso	144
Burundi	100 and 111
Cameroon	182
Canada	144
Chad	105, 111 and 138
China	122 and 144
Colombia	182
Congo	149
Côte d'Ivoire	144
Cyprus	144
Dominican Republic	138
Ecuador	87
Eswatini	160
Ethiopia	111
Gabon	111
Georgia	117 and 181
Germany	111, 115/161/162/167/170/176/187 and 144
Ghana	81/150 and 94
Greece	111 and 190
Guatemala	13/127/148/161/167 and 81/129
Guinea	111, 118/121 and 159
Guinea-Bissau	111
Guyana	100 and 115/136/139/155
Honduras	102
Hungary	100
Iceland	100
India	111

List of cases in which the Committee has been able to note with interest certain measures taken by the Governments of the following countries	
State	**Conventions Nos**
Indonesia	87 and 120/187
Ireland	88, 100, 111 and 122
Italy	94, 102/118, 111 and 190
Jamaica	94, 111 and 117
Japan	102/121, 115/119/120/139/162/187 and 144
Jordan	98 and 100
Kazakhstan	81/129, 88, 111, 122 and 148/155/162/167/187
Kenya	111
Kyrgyzstan	159
Lao People's Democratic Republic	111
Latvia	81/129 and 149
Lesotho	81, 87, 98 and 155
Libya	122
Luxembourg	111 and 155/187
Madagascar	87 and 97
Malawi	87
Malaysia	98 and 187
Mali	122
Malta	81/129
Mauritania	87
Mauritius	87, 98 and 189
Mexico	169 and 189
Mongolia	181 and MLC, 2006
Mozambique	81
Namibia	189
Netherlands	98
Netherlands – Sint Maarten	81
New Zealand	100 and 111
Niger	111
North Macedonia	98, 111, 143, 144, 151 and 156
Norway	169
Pakistan	81
Panama	113/125/126, 122 and MLC, 2006

List of cases in which the Committee has been able to note with interest certain measures taken by the Governments of the following countries	
State	**Conventions Nos**
Peru	29 and 189
Philippines	87
Portugal	122
Republic of Moldova	100
Romania	154
Rwanda	14/132, 81/150 and 155/187
San Marino	142
Sao Tome and Principe	111, 138, 144 and 182
Saudi Arabia	138
Serbia	13/119/136/139/148/155/161/162/167/184/187 and 183
Seychelles	81/150 and 148/155/161
Sierra Leone	181
Singapore	MLC, 2006
Slovenia	144
South Africa	138 and 155/176
Spain	12/44/102, 29 and 182
Suriname	122
Sweden	100
Switzerland	111
Tajikistan	142 and 159
Thailand	29 and 182
Trinidad and Tobago	159
Tunisia	144 and 182
Uganda	111 and 159
Ukraine	111, 122 and 144
United Kingdom of Great Britain and Northern Ireland	29
United Kingdom of Great Britain and Northern Ireland – Bermuda	82
United Kingdom of Great Britain and Northern Ireland – Gibraltar	81
United Kingdom of Great Britain and Northern Ireland – Guernsey	182
United Republic of Tanzania	29

List of cases in which the Committee has been able to note with interest certain measures taken by the Governments of the following countries	
State	**Conventions Nos**
Uruguay	156, 159 and 181
Uzbekistan	144
Bolivarian Republic of Venezuela	13/120/127/139/155
Viet Nam	138, 144 and 159
Zambia	158
Zimbabwe	29, 140 and 182

Practical application

102. As part of its assessment of the application of Conventions in practice, the Committee notes the information contained in governments' reports, such as information relating to judicial decisions, statistics and labour inspection. The supply of this information is requested in almost all report forms, as well as under the specific terms of some Conventions. In the context of the COVID-19 pandemic and the interlocking crises that followed, such information is indispensable to complete the examination of national legislation and to help the Committee identify the issues arising from real problems of application in practice. The Committee wishes to emphasize to governments the importance of submitting such information and also encourages employers' and workers' organizations to submit clear and up-to-date information on the application of Conventions in practice.

Observations made by employers' and workers' organizations

103. At each session, the Committee recalls that the contribution by employers' and workers' organizations is essential for the Committee's evaluation of the application of Conventions in national law and in practice. Member States have an obligation under article 23, paragraph 2, of the Constitution to communicate to the representative employers' and workers' organizations copies of the reports supplied under articles 19 and 22 of the Constitution. Compliance with this constitutional obligation is intended to enable organizations of employers and workers to participate fully in the supervision of the application of international labour standards. In some cases, governments transmit the observations made by employers' and workers' organizations with their reports, sometimes adding their own comments. However, in the majority of cases, observations from employers' and workers' organizations are sent directly to the Office which, in accordance with the established practice, transmits them to the governments concerned for comment, so as to ensure respect for due process. For reasons of transparency, the record of all observations received from employers' and workers' organizations on the application of ratified Conventions since the last session of the Committee is included as Appendix III to its report. Where the Committee finds that the observations are not within the scope of the Convention or do not contain information that would add value to its examination of the application of the Convention, it will not refer to them in its comments. Otherwise, the observations received from employers' and workers' organizations may be considered in an observation or in a direct request, as appropriate.

In a reporting year

104. At its 86th Session (2015), the Committee made the following clarifications on the general approach developed over the years for the treatment of observations from employers' and workers' organizations. The Committee recalled that, **in a reporting year**, when observations from employers' and workers' organizations are not provided with the government's report, they should be received by the Office by 1 September at the latest, so as to allow the government concerned to have a reasonable time to respond, thereby enabling the Committee to examine, as appropriate, the issues raised at its session the same year. When observations are received after 1 September, they would not be examined in substance in the absence of a reply from the government, except in exceptional cases. Over the years, the Committee has identified exceptional cases as those where the allegations are sufficiently substantiated and there is an urgent need to address the situation, whether because they refer to matters of life and death or to fundamental human rights or because any delay may cause irreparable harm. In addition, observations referring to legislative proposals or draft laws may also be examined by the Committee in the absence of a reply from the government, where this may be of assistance for the country at the drafting stage.

Outside of a reporting year

105. At its 88th Session (2017), following its consideration of the Governing Body's review of the reporting cycle for technical Conventions from five to six years, the Committee indicated its willingness to consider the manner in which it might broaden the very strict criteria for breaking its cycle of review when receiving comments from workers' or employers' organizations on a specific country under article 23, paragraph 2, of the ILO Constitution and decided that inspiration in this regard could be drawn from those criteria used for "footnoting" cases and set out in paragraph 73 of that year's General Report.

106. In light of the October–November 2018 Governing Body decision (GB.334/INS/5) expanding the reporting cycle for technical Conventions from five to six years and expressing its understanding that the Committee would further review, clarify and, where appropriate, broaden the criteria for breaking the reporting cycle with respect to technical Conventions, the Committee proceeded with the review of the criteria mentioned above at its 89th Session (2018).

107. The Committee recalls that, **in a non-reporting year**, when employers' and workers' organizations send observations which simply repeat comments made in previous years, or refer to matters already raised by the Committee, such comments will be examined in the year when the government's report is due, in accordance with the regular reporting cycle. In this case, a report will not be requested from the government outside of that cycle.

108. Where the observations on a technical Convention meet the criteria set out in paragraph below, the Committee will request the office to issue a notification to governments that the article 23 observations received will be examined at its subsequent session with or without a response from the government. This would ensure that governments have sufficient notice while ensuring that the examination of matters of importance are not further delayed.

109. The Committee would thus review the application of a **technical Convention** outside of a reporting year following observations submitted by employers' and workers' organizations having due regard to the following elements:

- the seriousness of the problem and its adverse impact on the application of the Convention;
- the persistence of the problem;

- the relevance and scope of the government's response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.

110. With respect to **any Convention (fundamental, governance or technical)**, recalling its well-established practice, the Committee will examine employers' and workers' observations in a non-reporting year in the year received in the exceptional cases set out in the paragraph above, even in the absence of a reply from the government concerned.

111. The Committee emphasized that the procedure set out in the paragraphs above aims at giving effect to decisions taken by the Governing Body which have extended the reporting cycle and called for safeguards in that context, to ensure that effective supervision of the application of ratified Conventions is maintained. One of these safeguards consists in giving due recognition to the possibility afforded to employers' and workers' organizations to draw the attention of the Committee to matters of particular concern arising from the application of ratified Conventions, even in a year when no report is due. The approach above also pays particular attention to the importance of providing due notice to governments, except in exceptional circumstances, and in all cases the Committee will indicate its reasons for breaking the cycle.

112. The Committee notes that since its last session, it has received 786 observations (compared to 1,276 last year), 179 of which (compared to 221 last year) were communicated by employers' organizations and 607 (compared to 1,055 last year) by workers' organizations. The great majority of the observations received (667 compared to 1,220 last year) related to the application of ratified Conventions; [15] 362 of these observations (compared to 551 last year) concerned the application of fundamental Conventions, 93 (compared to 166 last year) related to governance Conventions and 212 (compared to 503 last year) concerned the application of other Conventions. Moreover, 119 observations were received in relation to the 2024 General Survey on employment injury protection. The Committee notes that, 420 of the observations received this year on the application of ratified Conventions were transmitted directly to the Office. In 247 cases, the governments transmitted the observations made by employers' and workers' organizations with their reports. The Committee notes that in general the employers' and workers' organizations concerned endeavoured to gather and present information on the application of ratified Conventions in specific countries, both in law and in practice. The Committee recalls that observations of a general nature relating to certain Conventions are more appropriately addressed within the framework of the Committee's consideration of General Surveys or within other forums of the ILO.

Cases in which the need for technical assistance has been highlighted

113. The combination of the work of the supervisory bodies and the practical guidance given to Member States through development cooperation and technical assistance has always been one of the key dimensions of the ILO supervisory system. The Committee follows up on a number of these cases in the present report, especially where they relate to the follow-up to conclusions adopted by the Conference Committee on the Application of Standards at its 112th Session of the International Labour Conference (June 2024). [16] Moreover, assistance was provided by the International Training Centre of the ILO (Turin Centre) and international labour standards specialists based in the field to 45 countries for the preparation of article 22 reports on ratified Conventions, including the MLC, 2006.

[15] Appendix III to this Report.

[16] See table in para. 84.

114. The Committee notes that this year, the International Labour Standards Academy focused on the regions of Europe-Central Asia and the Arab States, delivering training on international labour standards to the ILO constituents, judges, law professors and other legal professionals across the two regions. The Committee notes the International Labour Standards Academy's important contribution to building the reporting capacities of governments and employers' and workers' organizations including in countries facing serious weaknesses in this field. The Committee also notes that in addition to the International Labour Standards Academy, the Turin Centre delivered:

- online courses on reporting in English and French as well as tailor-made training on reporting to constituents;
- international labour standards training to judges in the Americas region;
- a series of capacity-building events with a focus on promoting the ratification and legal implementation of the MLC, 2006, as well as reporting thereon;
- finally, the Committee welcomes the tripartite digital activity carried out at the global level by the Office and the Turin Centre in order to facilitate the submission of reports under article 19 of the ILO Constitution and comments by workers' and employers' organizations for the preparation of the 2025 General Survey.

115. In addition to cases of serious failure by Member States to fulfil certain specific obligations related to reporting, the cases for which, in the Committee's view, technical assistance from the Office would be particularly useful in helping Member States to address gaps in law and in practice in the implementation of ratified Conventions are highlighted in the following table and details can be found in Part II of this report.

List of the cases in which technical assistance would be particularly useful in helping Member States

State	Conventions Nos
Albania	100 and 185
Algeria	87
Angola	87 and 144
Azerbaijan	87
Bahamas	87, 98 and 185
Bangladesh	81
Belize	140
Benin	144
Burundi	100
Cambodia	87 and 98
Cameroon	87 and 122
Chad	102, 122 and 138
Democratic Republic of the Congo	87
Dominica	87, 135 and 138
Dominican Republic	77 and 144
Ecuador	87 and 98
Egypt	87
El Salvador	87
Eritrea	98

List of the cases in which technical assistance would be particularly useful in helping Member States	
State	**Conventions Nos**
Eswatini	87
Fiji	87 and 98
Gabon	111
Georgia	117
Ghana	87, 96, 98 and 103
Guatemala	87, 98, 141 and 162
Guinea	81, 94, 98 and 118/121
Guyana	2, 94, 100, 111 and 115/136/139
Honduras	81, 87, 98 and 111
Hungary	98
India	100
Indonesia	87, 98 and 120/187
Islamic Republic of Iran	100
Iraq	98
Ireland	96
Israel	100
Jamaica	98, 111 and 117
Jordan	98
Kenya	100
Lebanon	81, 98, 115/120/127/136/139/148/170/176 and MLC, 2006
Lesotho	81
Madagascar	98 and 100
Malawi	81/129
Malaysia	98
Maldives	100 and MLC, 2006
Mali	98
Mauritania	87 and 98
Mexico	87 and 98
Morocco	81/129 and 187
Mozambique	100
Namibia	100
Nepal	98
Nicaragua	87
Niger	100
North Macedonia	98, 154 and 156

List of the cases in which technical assistance would be particularly useful in helping Member States	
State	**Conventions Nos**
Pakistan	81
Paraguay	81 and 189
Peru	189
Republic of Moldova	100
Russian Federation	150
Saint Kitts and Nevis	138
Sao Tome and Principe	138
Senegal	MLC, 2006 and 188
Serbia	121
Seychelles	81/150 and 138
Slovakia	111
Suriname	29
Türkiye	96 and 98
Uganda	122
Ukraine	111
United Republic of Tanzania	105
Uzbekistan	81/129, 87 and 105
Bolivarian Republic of Venezuela	26/95

C. Reports under article 19 of the Constitution

116. The Committee recalls that the Governing Body decided that the subjects of General Surveys should be aligned with those of the annual recurrent discussions in the Conference under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008. This year, governments were requested to supply reports under article 19 of the Constitution for the General Survey on the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), and the Employment Injury Benefits Recommendation, 1964 (No. 121).

117. The General Survey [17] has been prepared on the basis of a preliminary examination by a working party comprising six members of the Committee in accordance with the practice followed in previous years.

118. The Committee notes with ***regret*** that, for the past five years, none of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution have been received from the following **21** countries: **Antigua and Barbuda, Barbados, Chad, Comoros,**

[17] ILC, Report III(Part B), 113th Session, 2025.

Djibouti, Dominica, Equatorial Guinea, Haiti, Kyrgyzstan, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, San Marino, Sao Tome and Principe, Singapore, Syrian Arab Republic, Timor-Leste, Tuvalu, Uganda and **Yemen.**

119. The Committee once again urges governments to provide the reports requested so that its General Surveys can be as comprehensive as possible and provide a complete picture of developments relevant to the impact of COVID-19 in areas that are particularly affected by the pandemic.

D. Submission of instruments adopted by the Conference to the competent authorities (article 19, paragraphs 5, 6 and 7 of the Constitution)

120. In accordance with its terms of reference, the Committee this year examined the following information supplied by governments of Member States pursuant to article 19 of the Constitution of the Organization:

(a) information on measures taken to submit to the competent authorities the instruments adopted by the Conference from June 1970 (54th Session) to June 2023 (111th Session) (Conventions Nos 131 to 191, Recommendations Nos 135 to 208 and Protocols); and

(b) replies to the observations and direct requests made by the Committee at its 94th Session (November–December 2023).

121. Appendix IV of Part II of the report contains a summary of the most recent information received indicating the competent national authorities to which the following instruments were submitted and the date of submission: the Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), adopted by the Conference at its 103rd Session, the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), adopted by the Conference at its 104th Session, the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), adopted by the Conference at its 106th Session, the Violence and Harassment Convention (No. 190), and the Violence and Harassment Recommendation, 2019 (No. 206), adopted at the 108th Session of the Conference, as well as the Safe and Healthy Working Environment (Consequential Amendments) Convention, (No. 191), and the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023 (No. 207), as well as the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted at the 111th Session of the Conference. In addition, Appendix IV summarizes the information supplied by governments in 2024 with respect to the instruments adopted in earlier years and submitted to the competent authorities.

122. Additional statistical information is found in Appendices V and VI of Part II of the report. Appendix V, compiled based on information provided by governments, shows where each Member State stands in terms of its constitutional obligation of submission. Appendix VI shows the overall submission status of each instrument adopted since the 54th Session (June 1970) of the Conference. All instruments adopted prior to the 54th Session of the Conference have been submitted to the competent national authorities. The statistical data in Appendices V and VI are regularly updated by the competent units of the Office and can be accessed in NORMLEX.

103rd Session

123. At its 103rd Session in June 2014, the Conference adopted the Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation,

2014 (No. 203). The Committee notes that **135** governments have provided information on the submission of the Protocol of 2014 to the Forced Labour Convention, 1930, to the competent national authorities, whereas **121** governments have provided information on the submission of Recommendation No. 203 to their competent national authorities. It also notes with ***interest*** that the Protocol of 2014 to the Forced Labour Convention, 1930, which entered into force on 9 November 2016, has been ratified by **60** Member States: **Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Canada, Chile, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Czechia, Denmark, Djibouti, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Jamaica, Kyrgyzstan, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Niger, Norway, Panama, Peru, Poland, Portugal, Russian Federation, Saudi Arabia, Sierra Leone, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, United Kingdom of Great Britain and Northern Ireland, Uzbekistan** and **Zimbabwe**. ***The Committee encourages all governments to continue their efforts to submit the instruments adopted by the Conference at its 103rd Session to their legislatures and to report on any action taken with regard to these instruments.***

104th Session

124. At its 104th Session in June 2015, the Conference adopted the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The 12-month period for submission of Recommendation No. 204 to the competent authorities ended on 12 June 2016, and the 18-month period (in exceptional circumstances) ended on 12 December 2016. The Committee notes that **118** governments have provided information on the submission to the competent authorities of Recommendation No. 204. It refers in this regard to Appendix IV of Part II of the report, which contains a summary of information supplied by governments on submission, including with respect to Recommendation No. 204. ***The Committee encourages all governments to continue their efforts to submit Recommendation No. 204 to their legislatures and to report on any action taken with regard to this instrument.***

105th and 106th Sessions

125. The Committee recalls that no instrument was adopted at the 105th Session of the Conference (May–June 2016). At its 106th Session, in June 2017, the Conference adopted the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). The 12-month period for submission of Recommendation No. 205 to the competent authorities ended on 16 June 2018, and the 18-month period (in exceptional circumstances) ended on 16 December 2018. The Committee notes that **104** governments have provided information on the submission of Recommendation No. 205 to the competent national authorities. ***The Committee welcomes the information provided to date and encourages all governments to submit Recommendation No. 205 to their legislatures and to report on any action taken with regard to this instrument.***

107th and 108th Sessions

126. The Committee recalls that no instrument was adopted at the 107th Session of the Conference (May–June 2018). At its 108th Session, in June 2019, the Conference adopted the Violence and Harassment Convention, 2019 (No. 190), and the Violence and Harassment Recommendation, 2019 (No. 206). The 12-month period for submission of Convention No. 190 and Recommendation No. 206 to the competent authorities ended on 21 June 2020, and the 18-month period (in exceptional circumstances) ended on 21 December 2020. The Committee notes that **111** governments have provided information on the submission of Convention No. 190, whereas

91 governments have provided information on the submission of Recommendation No. 206 to their competent national authorities. It also notes with ***interest*** that Convention No. 190, which entered into force on 25 June 2021, has been ratified by **45** Member States: **Albania, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Canada, Central African Republic, Chile, Denmark, Ecuador, El Salvador, Fiji, Finland, France, Germany, Greece, Ireland, Italy, Kyrgyzstan, Lesotho, Mauritius, Mexico, Namibia, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Somalia, South Africa, Spain, Uganda, United Kingdom of Great Britain and Northern Ireland** and **Uruguay**. ***The Committee welcomes the information provided to date and encourages all governments to submit Convention No. 190 and Recommendation No. 206 to their legislatures and to report on any action taken with regard to these instruments.***

109th, 110th and 111th Sessions

127. The Committee recalls that no instrument was adopted at the 109th Session of the Conference (May–June 2021 and November–December 2021). Moreover, no instrument was adopted at the 110th Session of the Conference (May–June 2022). At its 111th Session (June 2023), the Conference adopted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023 (No. 207), as well as the Quality Apprenticeships Recommendation, 2023 (No. 208). The 12-month period for submission of these instruments to the competent authorities ended on 12 June 2024, and the 18-month period (in exceptional circumstances) ended on 12 December 2024. The Committee notes that **25** governments have provided information on submission of these instruments to the competent national authorities. ***The Committee welcomes the information provided to date and encourages all governments to submit the above instruments to their legislatures and to report on any action taken with regard to them.***

Cases of progress

128. The Committee notes with ***interest*** the information provided by the Governments of the following countries: **Bolivia (Plurinational State of), Democratic Republic of the Congo, North Macedonia, Nepal** and **Paraguay**. ***It welcomes the efforts made by these Governments in overcoming significant delays in submission and taking important steps toward fulfilling their constitutional obligations to submit to their legislatures the instruments adopted by the Conference over a number of years.***

Special problems

129. To facilitate the work of the Conference Committee on the Application of Standards, this report only mentions those governments that have not submitted the instruments adopted by the Conference to their competent authorities for at least seven sessions. These special problems are referred to as cases of "serious failure to submit". **This time frame begins at the 100th Session (2011) and concludes at the 111th Session (2023), bearing in mind that the Conference did not adopt any Conventions or Recommendations during its 97th (2008), 98th (2009), 102nd (2013), 107th (2018), 109th (2021) and 110th (2022) Sessions.** Thus, this time frame was deemed long enough to warrant inviting the governments concerned to a special sitting of the Conference Committee so that they could account for delays in submission. In addition, the Committee is also providing information in its observations concerning cases of "failure to submit", in relation to governments that have not submitted to the competent authorities the instruments adopted at the last six sessions of the Conference.

130. The Committee notes that, at the opening of its 95th Session, the following **26** Member States (48 in 2020, 45 in 2021, 42 in 2022 and 25 in 2023) were in the category of "serious failure to submit": **Angola, Bahrain, Belize, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Haiti, Hungary, Lebanon, Liberia, Libya, Oman, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu, Yemen** and **Zambia**.

131. The Committee is aware of the exceptional circumstances that have affected some of these countries for years, as a result of which some of them have been deprived of the institutions needed to fulfil their obligation to submit instruments. At the 112th Session of the Conference (June 2024), some Government delegations supplied information explaining why their countries had been unable to meet their constitutional obligation to submit Conventions, Recommendations and Protocols to their national legislatures. Further to the concerns raised by the Committee of Experts, the Conference Committee also expressed deep concern at the failure to respect this obligation. It pointed out that compliance with this constitutional obligation, which means submitting the instruments adopted by the Conference to national legislatures, is of the utmost importance in ensuring the effectiveness of the Organization's standards-related activities.

132. The above-mentioned countries have been identified in observations published in this report, and the Conventions, Recommendations and Protocols that have not been submitted are indicated in the statistical appendices. **The Committee considers it worthwhile to alert the governments concerned so as to enable them immediately, and as a matter of urgency, to take appropriate steps to bring themselves up to date and into compliance with this obligation.** The Committee recalls that governments may benefit from the measures the Office is prepared to take, upon their request, to assist them in taking the steps required for the rapid submission to their legislature of the pending instruments.

Comments of the Committee and replies from governments

133. As in its previous reports, the Committee makes individual observations in section II of Part II of this report on the points that should be brought to the special attention of governments. In general, observations are made in cases where there has been no information for five or more sessions of the Conference. Furthermore, requests for additional information on other points have been addressed directly to a number of countries (see the list of direct requests at the end of section II).

134. As the Committee has already pointed out, it is important that governments send the information and documents required by the questionnaire appended to the Memorandum adopted by the Governing Body in March 2005. The Committee must receive for examination a summary or a copy of the documents submitting the instruments to the legislative bodies, an indication of the date of submission, and be informed of the proposals made as to the action to be taken on the instruments submitted. The obligation of submission is discharged only once the instruments adopted by the Conference have been submitted to the legislature and a decision has been taken on them. The Office must be informed of this decision, as well as of the submission of instruments to the legislature.

135. The obligation of submission to the competent national authorities under article 19 of the ILO Constitution is one of the fundamental obligations of Member States. Unlike other multilateral treaties, where States may not be required to undertake any specific action, including ratification, even if they have participated in the adoption of the instruments, the ILO Conventions require going a step closer to international legislation, in the sense that the Constitution has made it an obligation for all Member States to promote their implementation, including their ratification,

although ratification by itself is in the prerogative of a sovereign State and is not required under this constitutional obligation on submission. The Committee, therefore, reiterates the importance of the reporting obligation of Member States with respect to submission to the competent national authorities under article 19 of the Constitution, differentiating itself from other ordinary treaties and making ILO Conventions stand out in the universal framework of the protection of social rights.

136. The Committee hopes to continue to note cases of progress in this matter in its next report. It again reminds governments that they may seek technical assistance from the ILO, particularly through the standards specialists in the field.

* * *

137. Lastly, the Committee would like to express its profound appreciation for the invaluable assistance rendered to it by the officials of the Office, whose expertise, competence and devotion to duty make it possible for the Committee to accomplish its complex task.

Geneva, 7 December 2024

(Signed) Graciela Josefina Dixon Caton
Chairperson

Kamala Sankaran
Reporter

Appendix to the General report

Composition of the Committee of Experts on the Application of Conventions and Recommendations

Mr Shinichi AGO (Japan)

Professor Emeritus of Kyushu University (former Law Dean and Vice-Rector); Former Director, Kyoto Museum for World Peace, Ritsumeikan University; Former Judge of the Asian Development Bank Administrative Tribunal; Attorney at Law, TNY Law Office (admitted to the Tokyo Bar in September 2023); Member of the Asian Society of International Law, the Asian Society of Labour Law, the International Law Association and the International Society for Labour and Social Security Law.

Ms Lia ATHANASSIOU (Greece)

Full Professor of Maritime and Commercial Law at the National and Kapodistrian University of Athens (Faculty of Law); Member of Legislative Committees on various commercial law issues; Director of the Postgraduate Programme on Maritime Law; President of the Legislative Committee having drafted the new Greek Code of Private Maritime Law (2023); President of the Organizing Committee of the International Conference on Maritime Law held in Piraeus (Greece) every three years; PhD from the University of Paris I-Sorbonne; authorization by the same university to supervise academic research; LL.M. Aix-Marseille III; LL.M. Paris II Assas; visiting scholar at Harvard Law School and Fulbright Scholar (2007–08). She has lectured and effectuated academic research in several foreign institutions in France, the United Kingdom, Italy, Malta, the United States, etc. She has published extensively on maritime, competition, industrial property, company, European and transport law (nine books and more than 60 papers and contributions in collective works in Greek, English and French); practising lawyer and arbitrator specializing in European, commercial and maritime law.

Ms Leila AZOURI (Lebanon)

Doctor of Law; Professor of Labour Law at the Faculty of Law at Sagesse University, Beirut until 2021; Director of Research at the Doctoral School of Law of the Lebanese University until 2017 and Professor and former Director of the Faculty of Law of the Lebanese University; member of the Executive Bureau of the National Commission for Lebanese Women; Chairperson of the national commission responsible for the preparation of the reports submitted by the Government of Lebanon to the UN Committee on the Elimination of Discrimination against Women (CEDAW) until 2017; legal expert for the Arab Women Organization until 2017; member of the "ILO Policy Advisory Committee on Fair Migration" in the Middle East.

Mr James J. BRUDNEY (United States of America)

Professor of Law, Fordham University School of Law, New York, NY; Co-Chairperson of the Public Review Board of the United Automobile Workers Union of America (UAW); former Visiting Fellow, Oxford University, United Kingdom; former Visiting Faculty, Harvard Law School; former Professor of Law, The Ohio State University Moritz College of Law; former Chief Counsel and Staff Director of the United States Senate Subcommittee on Labour; former attorney in private practice; and former law clerk to the United States Supreme Court.

Ms Graciela Josefina DIXON CATON (Panama)

Former President of the Supreme Court of Justice of Panama; former President of the Penal Court of Cassation and of the Chamber of General Business Matters of the Supreme Court of Panama; former

President of the International Association of Women Judges; former President of the Latin American Federation of Judges; former National Consultant for the United Nations Children's Fund (UNICEF); currently Judge of the Inter-American Development Bank Administrative Tribunal; Consulting Partner of the Panamanian Law Firm BRITTON & IGLESIAS; member of the list of Arbitrators of the Court of Arbitration of the Official Chamber of Commerce of Madrid; Arbitrator at the Center for Dispute Resolution (CESCON) of the Panamanian Chamber of Construction, as well as for the Conciliation and Arbitration Center of the Panamanian Chamber of Commerce; and legal adviser and international consultant.

Mr José Roberto HERRERA VERGARA (Colombia)

Doctor of Law; former magistrate and President of the Supreme Court of Justice; associate judge of the Constitutional Court; Vice-President of the Ibero-American Academy of Labour and Social Security Law; Emeritus and Honorary Professor at the University of Rosario; Professor of labour and social security law at the Javeriana University; Secretary-General of the Office of the Attorney-General; Class A arbitrator in administrative law, Chamber of Commerce of Colombia; head of the Labour Department of the Banco Cafetero; President of the Colombian Social Security Association; member of the Commission for Truth on the Palace of Justice Holocaust.

Mr Benedict Bakwaph KANYIP (Nigeria)

President of the National Industrial Court of Nigeria; fellow, Nigerian Institute of Advanced Legal Studies (NIALS); member of the Nigerian Bar Association, International Bar Association and Nigerian Society of International Law; fellow of the Chartered Institute of Taxation of Nigeria and the Nigerian Chartered Institute of Arbitrators; member of the National Judicial Council, the Federal Judicial Service Commission and the Body of Benchers of Nigeria; expert on consumer protection, labour law and tax law, with numerous publications on the subjects. Holder of the National Honour of Officer of the Order of the Federal Republic (OFR). An awardee of the Bar Presidential Award (bpa) of the Nigerian Bar Association.

Ms Irene KASHINDI (Kenya)

Advocate Kashindi is a partner at Munyao Muthama and Kashindi Advocates with over 16 years as a practicing advocate of the High Court of Kenya. She has been recognized and acclaimed locally in Kenya and internationally as a leading expert with significant experience in employment and labour relations matters. She practices in areas of commercial and civil litigation as well as alternative dispute resolution. She regularly appears before the High Court, the Employment and Labour Relations Court, the Court of Appeal and Supreme Court of Kenya. She is a co-author of Kashindis' Digest of Employment Cases, a collection of key labour law judicial precedents. She represents the Law Society of Kenya in the Employment and Labour Relations Court Rules Committee, which has the mandate to review and make rules of procedure for the labour court under the Employment and Labour Relations Act, 2011. In the area of alternative dispute resolution, Ms Kashindi is a Fellow of the Chartered Institute of Arbitrators (United Kingdom) and has been involved in a mediation, conciliation and arbitration in the employment disputes. She was a Board Member of the Public Procurement Administrative Review Board from 2020 to November 2023. She received her Bachelor's and Master of Law degree (Financial Services Law) from the University of Nairobi.

Mr Mohamed KORRI YOUSSOUFI (Morocco)

Doctor of Law, Professor of labour law and civil procedure at the Faculty of Legal, Economic and Social Sciences of Moulay Ismail University, Meknes, since 1996; member of the tripartite committee responsible for drafting regulatory texts implementing the provisions of the Labour Code; registered on several occasions on the official list of arbitrators, drawn up by the Ministry of Labour, for the resolution of collective disputes and the settlement of labour disputes; founding member of the "Labour

law and society" research group, having published eight works on labour law; consultant and legal adviser to several national and multinational companies, particularly on labour law and industrial relations management; author of several books and academic articles on labour law, civil procedure and international labour law; contributor to renowned collective works in his field.

Mr Alain LACABARATS (France)

Judge at the Court of Cassation; former President of the Third Civil Chamber of the Court of Cassation; former President of the Social Chamber of the Court of Cassation; former member of the Judicial Service Commission; former member of the European Network of Councils for the Judiciary; former member of the Consultative Council of European Judges (Council of Europe); former Vice-President of the Paris Regional Court; former President of the Paris Court of Appeal Chamber; former lecturer at several French universities and author of many publications; member of the ethics assistance and monitoring service of the Judicial Service Commission; board member of the Commission for the Compensation of Victims of Spoliations (CIVS).

Ms Elena E. MACHULSKAYA (Russian Federation)

Professor of Law, Department of Labour Law, Faculty of Law, Moscow State Lomonosov University; Secretary, Russian Association for Labour and Social Security Law (2011–16); member of the European Committee of Social Rights; member of the President's Committee of the Russian Federation on the Rights of Persons with Disabilities (non-paid basis).

Ms Mónica PINTO (Argentina)

Professor Emerita, University of Buenos Aires. Member of the Institute of International Law. Lawyer and legal counsel in public international law cases, and arbitrator and member of ad hoc committees in foreign investment cases. She has appeared as a counsel and an expert before universal and regional human rights bodies and tribunals, arbitral tribunals and the International Court of Justice, where she sits as Judge ad hoc. Member of the Permanent Court of Arbitration (since 2022) and of the Permanent Review Tribunal for MERCOSUR (2021–25). Former Dean of the School of Law at the University of Buenos Aires (2010–18). Visiting Professor at the University of Columbia, Paris I & II, and the University of Rouen. She taught at the Hague Academy of International Law, and at the InterAmerican and European Institutes of Human Rights. She held several mandates for the United Nations in the area of human rights. Judge and President of the Administrative Tribunals of the World Bank and the Inter-American Development Bank. Vice-President of the Advisory Committee on nominations of judges of the International Criminal Court (2013–18) and member of the Independent Expert Review of the International Criminal Court (2020). She has published five books and several articles in periodical publications in the United States of America and Europe.

Ms Mia RÖNNMAR (Sweden)

Professor Rönnmar is Vice-Chancellor/President of Malmö University in Sweden. She is on leave from her position as a Full Professor of Private Law specializing in labour law and industrial relations at Lund University, where she also served as Dean for six years from 2015 to 2020. She has been a visiting researcher at, for example, the LSE, the EUI and Sydney Law School. Professor Rönnmar has extensive experience of international, comparative, and interdisciplinary research in labour law and industrial relations. Formerly President of the International Labour and Employment Relations Association (ILERA) from 2018 to 2021, Professor Rönnmar organised the 19th ILERA World Congress in Lund. She has published widely on labour law, equality and human rights. Professor Rönnmar holds a Doctor of Laws in Private Law (LLD) from the Faculty of Law, Lund University.

Mr Iain ROSS (Australia)

Judge Ross was appointed Judge of the Federal Court and President of Fair Work Australia until his retirement in 2022. In April 2023 he was appointed as a member of the board of the Reserve Bank

of Australia. His previous positions include serving as Judge of the Supreme Court of Victoria, President of the Victorian Civil and Administrative Tribunal, and Vice-President of the Australian Industrial Relations Commission. Since 1997, Judge Ross has lectured at the Faculty of Law of the University of Sydney and was appointed Adjunct Associate Professor of Law in 2004. He has also been an Adjunct Professor in the University of Sydney's Business School since March 2014. He has been a member of various legislative reform committees, among them as Commissioner of the New South Wales Reform Commission, member of the Tribunal's Working Group to the Australian Law Reform Commission's (ALRC) Review of the Federal Civil Justice System and part-time Commissioner of the Victorian Law Reform Commission. He is a Fellow of the Academy of Social Sciences of Australia. Judge Ross holds a Master of Law and a PhD in Law from the University of Sydney and a Master of Business Administration from Monash University. He has also studied at the London Business School and Warwick Business School and since April 2023 he has been a part time board member at the Reserve Bank of Australia.

Ms Kamala SANKARAN (India)

Professor, National Law School of India University, Bengaluru. Previously served as Professor, Faculty of Law, University of Delhi; Vice-Chancellor, Tamil Nadu National Law University, Tiruchirappalli and Dean, Legal Affairs, University of Delhi, Member, Task Force to Review Labour Laws, National Commission for Enterprises in the Unorganised and Informal Sector, Government of India; Fellow, Stellenbosch Institute of Advanced Study, South Africa; Visiting South Asian Research Fellow, School of Interdisciplinary Area Studies, Oxford University; Fulbright Post-Doctoral Research Scholar, Georgetown University Law Center, Washington, DC.

Ms Ambiga SREENEVASAN (Malaysia)

Well-known human rights advocate and recipient of several international awards; Member of the Institutional Reforms Committee of Malaysia in 2018; legal assistant and then partner, Skrine (1982–2001), one of the largest law firms in Malaysia; partner, Tommy Thomas (2001–02); former President of the Malaysian Bar (2007–09); former Chairperson and then Co-Chairperson of Bersih 2.0 (Coalition for Clean and Fair Elections) (2010–13); former President of the National Human Rights Society (Hakam) (2014–18); founded her own law firm in 2002 specializing in dispute resolution in commercial, civil, labour disputes and intellectual property; commissioner and alternate member of the Executive Committee of the International Commission of Jurists. She was awarded the Ruth Bader Ginsburg Medal of Honour 2023 by the World Jurist Association in May 2023.

Mr Jean-Marie TCHAKOUA (Cameroon)

Associate professor of law; Professor of private law, notably labour law and social security law, at the Faculty of Legal and Political Sciences of the University of Yaoundé since 1992; President and founding member of the Cameroon Association for the Promotion of Labour Law and Social Security; founding member of the Association for the Promotion of Law in Africa (APRODA); member of the Association for the Promotion of Human Rights in Central Africa (APDHAC); author of specialized publications and numerous articles and studies in legal journals.

Ms Deborah THOMAS-FELIX (Trinidad and Tobago)

Judge of the International Monetary Fund Administrative Tribunal; former President of the Industrial Court of Trinidad and Tobago; former President of the United Nations Appeals Tribunal; former Second Vice-President of the United Nations Appeals Tribunal; former Chair of the Trinidad and Tobago Securities and Exchange Commission; former Chair of the Caribbean Group of Securities Regulators; former Deputy Chief Magistrate of the Judiciary of Trinidad and Tobago; former President of the Family Court of Saint Vincent and the Grenadines; Hubert Humphrey/Fulbright Scholar; Georgetown University Leadership Seminar Fellow and Commonwealth Institute of Judicial Education Fellow. The Author of three textbooks on Labour Law, Employment Law and Industrial Relations.

Mr Bernd WAAS (Germany)

Professor of Labour Law and Civil Law at the University of Frankfurt; Coordinator and member of the European Labour Law Network; Coordinator of this network's study group on a Restatement of Labour Law in Europe; Coordinator of the European Centre of Expertise in the field of labour law, employment and labour market policies (ECE); President of the German Society for Labour and Social Security Law and member of the Executive Committee of the International Society for Labour and Social Security Law (ISLSSL); member of the Advisory Committee of the Labour Law Research Network (LLRN).

Part II. Observations concerning particular countries

I. Observations concerning reports on ratified Conventions (articles 22 and 35 of the Constitution)

Observations on serious failure to report

Afghanistan

The Committee notes with ***deep concern*** that, for the fifth year, the reports due on ratified Conventions have not been received. Ten reports are now due, including on fundamental and governance Conventions, which should have included information in reply to the Committee's comments.

The Committee launches again an ***urgent appeal*** to the responsible authorities to send their reports without delay and advises them that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

While noting the complex situation prevailing in the country, the Committee trusts that the responsible authorities will honour their international commitments and provide information in response to the Committee's comments. The Committee reminds the authorities that they may avail themselves of the technical assistance of the Office in this regard.

Antigua and Barbuda

The Committee notes with ***concern*** that, the first reports on the application of the Home Work Convention, 1996 (No. 177), the Private Employment Agencies Convention, 1997 (No. 181), the Safety and Health in Agriculture Convention, 2001 (No. 184), the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Work in Fishing Convention, 2007 (No. 188), all due since 2023 have not been received. Two reports were received this year of the 28 requested. 26 reports are still due for this country including the first reports on the application of the Maternity Protection Convention, 2000 (No. 183), and the Violence and Harassment Convention, 2019 (No. 190). Some of the reports due, including on fundamental and governance Conventions, should have included information in reply to the Committee's comments.

The Committee launches again an ***urgent appeal*** to the Government to send its reports without delay on Conventions Nos 11, 29, 87, 98, 105, 122, 135, 138, 144, 151, 154 and 182 and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

Recalling that technical assistance was provided on these issues this year by the by the Decent Work Technical Support Team for the Caribbean Countries and the International Training Centre of the ILO, the Committee hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Barbados

The Committee notes with ***deep concern*** that, for the third year, the reports due on ratified Conventions have not been received. 16 reports are now due including the first report on the application

of the Violence and Harassment Convention, 2019 (No. 190). The reports due, including on fundamental and governance Conventions, should have included information in reply to the Committee's comments.

The Committee launches an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

Recalling that technical assistance was provided on these issues this year by the Decent Work Technical Support Team for the Caribbean Countries and the International Training Centre of the ILO, the Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Comoros

The Committee notes with ***deep concern*** that, for the fourth year, the reports due on ratified Conventions have not been received. In addition, the first reports on the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), due since 2023, were not received. 30 reports are now due, including the first report on Social Security (Minimum Standards) Convention, 1952 (No. 102). Most of the reports due, including on fundamental and governance Conventions, should have included information in reply to the Committee's comments.

The Committee launches again an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

Recalling that technical assistance was provided on these issues this year by the Decent Work Technical Support Team for Eastern and Southern Africa, the Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Congo

The Committee notes with ***deep concern*** that, the first reports on the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the Work in Fishing Convention, 2007 (No. 188), have not been received despite its urgent appeals launched in 2020 and 2021. In addition, only 3 of the 15 reports requested this year have been received. 12 reports are still due, including on fundamental Conventions, some of which should have included information in reply to the Committee's comments.

The Committee launches again an ***urgent appeal*** to the Government to send its first reports without delay on Convention No. 185, MLC, 2006, and Convention No. 188 and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

The Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Djibouti

The Committee notes with ***deep concern*** that, the first report on the application of the Maternity Protection Convention, 2000 (No. 183), due since 2022, has not been received. In addition, the Committee notes that for the second year, the reports due on ratified Conventions were not received.

25 reports are now due, including on fundamental and governance Conventions, most of which should have included information in reply to the Committee's comments.

The Committee launches an ***urgent appeal*** to the Government to send its first report without delay on Convention No. 183, and advises it that, even in the absence of the report, the Committee may fully review the application of the Convention at its next meeting on the basis of available information.

The Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Equatorial Guinea

The Committee notes with ***deep concern*** that the first reports on the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), and the Accommodation of Crews Convention (Revised), 1949 (No. 92), have not been received despite its urgent appeal launched in 2020. In addition, none of the reports requested this year have been received, including on fundamental Conventions, most of which should have included information in reply to the Committee's comments.

Recalling that technical assistance was provided on these issues this year by the Decent Work Technical Support Team for Central Africa, the Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Haiti

The Committee notes with ***deep concern*** that, for the fifth year, the reports due on ratified Conventions have not been received. 13 reports are now due, including on fundamental and governance Conventions, most of which should have included information in reply to the Committee's comments.

On the basis of the decision of the Committee concerning the treatment of urgent appeals, the Committee decided to examine, at this session, the application of Convention No. 81, for which the report has not been received for three years or more, based on public information at its disposal.

The Committee launches an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

While noting the complex situation prevailing in the country, the Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Iraq

The Committee notes with ***deep concern*** that, the first report on the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), due since 2022, has not been received.

The Committee launches an ***urgent appeal*** to the Government to send its first report without delay on Convention No. 185, and advises it that, even in the absence of this report, the Committee may fully review the application of the Convention at its next meeting on the basis of available information.

Recalling that technical assistance was provided on this issue in 2023 and 2024 by the International Training Centre of the ILO, the Committee firmly hopes that the Government will soon submit this first report in accordance with its constitutional obligation.

Marshall Islands

The Committee notes with ***deep concern*** that, the first report on the Worst Forms of Child Labour Convention, 1999 (No. 182), due since 2021, has not been received.

The Committee launches again an ***urgent appeal*** to the Government to send its first report without delay on Convention No. 182 and advises it that, even in the absence of the report, the Committee may fully review the application of this Convention at its next meeting on the basis of available information.

The Committee firmly hopes that the Government will soon submit this first report in accordance with its constitutional obligation. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Papua New Guinea

The Committee notes with ***deep concern*** that, for the third year the reports due on ratified Conventions have not been received. 18 reports are now due, including on fundamental and governance Conventions, most of which should have included information in reply to the Committee's comments.

The Committee launches an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

Recalling that technical assistance was provided on these issues by the ILO Country Office for Pacific Island Countries in 2023, and the International Training Centre of the ILO in 2024, the Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Saint Lucia

The Committee notes with ***deep concern*** that, for the 11th year, the reports due on ratified Conventions have not been received. 20 reports are now due, including the first report on the application of the Occupational Safety and Health Convention, 1981 (No. 155), due since 2023. Most of the reports due, including on fundamental Conventions, should have included information in reply to the Committee's comments.

The Committee launches again an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

Recalling that technical assistance was provided on these issues this year by the Decent Work Technical Support Team for the Caribbean Countries, the Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

San Marino

The Committee notes with ***concern*** that, for the second year, the reports due on ratified Conventions have not been received. 14 reports are now due, including the first reports on the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the Violence and Harassment Convention, 2019 (No. 190). Some of the reports, including on fundamental Conventions, should have included information in reply to the Committee's comments. The Committee hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Somalia

The Committee notes with ***deep concern*** that, for the fourth year, the reports due on ratified Conventions have not been received. In addition, the first reports on the application of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Occupational Safety and Health Convention, 1981 (No. 155), the Private Employment Agencies Convention, 1997 (No. 181), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Violence and Harassment Convention, 2019 (No. 190), all due since 2023 were not received. 13 reports are now due, including on fundamental Conventions, some of which should have included information in reply to the Committee's comments,

The Committee launches an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

The Committee firmly hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Sudan

The Committee notes with ***concern*** that, the first reports on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), due since 2023, have not been received. The Committee hopes that the Government will soon submit these first reports in accordance with its constitutional obligation.

Syrian Arab Republic

The Committee notes with ***deep concern*** that, for the fifth year, the reports due on ratified Conventions have not been received. 34 reports are now due, including on fundamental and governance Conventions, most of which should have included information in reply to the Committee's comments.

The Committee launches again an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

Recalling that technical assistance was provided on these issues by the Decent Work Technical Support Team for the Arab States and the International Training Centre of the ILO in 2023 and 2024, the Committee hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Tonga

The Committee notes with ***deep concern*** that, the first report on the application of the Worst Forms of Child Labour Convention, 1999 (No. 182), due since 2022, has not been received.

The Committee launches an ***urgent appeal*** to the Government to send its first report on Convention No. 182, without delay and advises it that, even in the absence of this report, the Committee may fully review the application of this Convention at its next meeting on the basis of available information.

The Committee firmly hopes that the Government will soon submit this first report in accordance with its constitutional obligation. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Tuvalu

The Committee notes with ***deep concern*** that, the first report on the application of the Worst Forms of Child Labour Convention, 1999 (No. 182), due since 2021, has not been received.

The Committee launches again an ***urgent appeal*** to the Government to send its first report on Convention No. 182, without delay and advises it that, even in the absence of this report, the Committee may fully review the application of this Convention at its next meeting on the basis of available information.

The Committee firmly hopes that the Government will soon submit this first report in accordance with its constitutional obligation. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Vanuatu

The Committee notes with ***deep concern*** that, for the sixth year, the reports due on ratified Conventions have not been received. The Committee also notes that the first report on the application of the Minimum Age Convention, 1973 (No. 138), due since 2021, has not been received. Nine reports are now due, including on fundamental Conventions, some of which should have included information in reply to the Committee's comments.

The Committee launches again an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

Recalling that technical assistance was provided on these issues by the ILO Country Office for Pacific Island Countries in 2023 and the International Training Centre of the ILO in 2024, the Committee hopes that the Government will soon submit all its reports in accordance with its constitutional obligation and that they will respond to the Committee's comments.

Yemen

The Committee notes with ***deep concern*** that, for the fifth year, the reports due on ratified Conventions have not been received. 18 reports are now due, including on fundamental and governance Conventions, most of which should have included information in reply to the Committee's comments.

The Committee launches an ***urgent appeal*** to the Government to send its reports without delay and advises it that, even in the absence of these reports, the Committee may fully review the application of these Conventions at its next meeting on the basis of available information.

The Committee firmly hopes that the Government will soon submit its reports in accordance with its constitutional obligation and it will respond to the Committee's comments. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: *Bangladesh, Belize, Brunei Darussalam, Burundi, Central African Republic, Cook Islands, Croatia, Cuba, El Salvador, Ethiopia, Gambia, Guinea-Bissau, Israel, Kenya, Kiribati, Liberia, Libya, Lithuania, Montenegro, Nigeria, Palau, Saudi Arabia, Serbia, South Sudan, Suriname, Thailand, Timor-Leste, Turkmenistan, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands and Montserrat), Viet Nam.*

Freedom of association, collective bargaining, and industrial relations

Algeria

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1962)

Previous comment

The Committee notes the observations from the following representative employers' and workers' organizations received on: 17 September 2024 from the International Trade Union Confederation (ITUC), 30 August 2024 from the International Organisation of Employers (IOE), 27 August 2024 from the National Autonomous Union of Public Administration Personnel (SNAPAP), 24 August 2024 from the Trade Union Confederation of Productive Workers (COSYFOP) and the National Union of Industrial Workers (SNSI), and 22 August 2024 from the Autonomous National Union of Electricity and Gas Workers (SNATEG). The Committee notes the replies provided in September 2024 by the Government to the observations and examines them below. ***The Committee requests the Government to provide detailed information in response to the allegations contained in the observations to which it has not yet provided a response***.

Measures against trade union leaders. The Committee previously requested information on several trade union leaders (Mr Kaddour Chouicha, Coordinator of the Higher Education Teachers' Union (SESS), Mr Fellah Hamoudi, member of the SNAPAP office, and Mr Morad Ghedia, Chairperson of the SNAPAP) who were subjected to judicial harassment, according to the allegations of the trade union organizations. In 2022, the Committee noted the Government's reply on the grounds for their arrest and conviction and requested information on the outcome of the legal procedures against them. The Committee notes that the Government merely reiterates that it regularly provides information to the various ILO supervisory bodies, including this Committee, the Committee on the Application of Standards of the International Labour Conference and the Committee on Freedom of Association. The Committee observes that the case of Mr Fellah Hamoudi was examined by the Committee on Freedom of Association in the context of a complaint in March 2024 (Case No. 3434) and that on that occasion the Government indicated that Mr Fellah Hamoudi had been arrested and sentenced by the court in Tlemcen to three years in prison and a fine of 300,000 Algerian dinars (US$2,245) for acts punishable under the Criminal Code and the Associations Act of 2012. In the Government's view, this case does not constitute an obstacle to freedom of association, and Mr Fellah Hamoudi may exercise his right to appeal to the court in Tlemcen. ***Recalling the seriousness of the alleged offences against trade union leaders, namely harassment, arrest, detention and terrorism convictions, the Committee expects the Government to provide without delay the court decisions convicting the trade union leaders and any information on the follow-up, including any appeals lodged against the decisions in question.***

Moreover, the Committee urges the Government to comment on the situation of the members and trade union leaders of the SNAPAP and the General and Autonomous Confederation of Workers in Algeria (CGATA) referred to in the communication received by the Office in August 2023, a copy of which was forwarded to the Government on 6 September 2023.

Lastly, the Committee notes that the communication from COSYFOP contains numerous allegations concerning harassment of its leaders and members. The Committee notes that these allegations were examined by the Committee on Freedom of Association in the context of a complaint. The Committee refers to the conclusions and recommendations made by the Committee on Freedom of Association (see 405th Report of the Committee on Freedom of Association, March 2024, Case No. 3434). The Committee notes that while the Committee on Freedom of Association did not express

an opinion on whether the several convictions of trade unions leaders and members mentioned in the complaint represent a violation of freedom of association, it however underlined that the judicial decisions punishing trade union leaders and members are related to the expression of opinions in the exercise of trade union mandates, even if the Government disputes the existence of COSYFOP. ***Agreeing with the Committee on Freedom of Association that the authorities' threatening to press criminal charges in response to legitimate opinions of trade union representatives may have an intimidating and detrimental effect on the exercise of trade union rights, the Committee requests the Government to comment regarding the impact of such threats on lawful trade union activities***.

Inviolability of trade union premises. With regard to the alleged closure of the premises of the CGATA and COSYFOP, the Committee notes with ***regret*** that the Government once again merely bases the administrative decision on what it considers to be the lack of legitimacy of the trade union leaders of COSYFOP and the CGATA and the alleged use of the premises for purposes that are not related to trade union activities. The Government reiterates that those concerned still have not asserted their right to complain to the courts to challenge the closure of headquarters. Noting that the Government does not dispute the closure of these premises by administrative decision, the Committee recalls that searches should only be possible when a warrant has been issued for that purpose by the regular judicial authority, when the latter is satisfied that there is good reason to presume that such a search will produce evidence for criminal proceedings under the ordinary law, and provided the search is restricted to the purpose for which the warrant was issued (see the 2012 General Survey on the fundamental Conventions, paragraph 114). ***The Committee once again urges the Government to reverse without delay the decisions to close the trade union premises of COSYFOP, the CGATA and the SNAPAP/CGATA taken by the administration without a court warrant.***

Legislative issues

Implementation of legislation on the exercise of the right to organize. The Committee previously noted the adoption of Act No. 23-02 of 25 April 2023 on the exercise of the right to organize, and of Act No. 23-08 of 21 June 2023 concerning the prevention and settlement of collective labour disputes and the exercise of the right to strike. It noted that these two Acts amend existing provisions and introduce new provisions which provide clarification on the exercise of freedom of association and protection of the right to organize. It noted, however, that the trade union organizations had made numerous criticisms of Act No. 23-02 and immediately denounced the fact that it had been developed in consultation with a minority of the country's trade unions.

The Committee examined the Acts in light of the observations of the Government and the trade union organizations and recommended on many points that the Government initiate consultations with the social partners with a view to amending the provisions of the Acts indicating any measures taken in this respect. The Committee notes with ***concern*** that the Government merely provides information justifying the adoption of the legislative provisions which are the subject of its comments, without following up on the Committee's recommendations, with a few exceptions. ***The Committee is therefore bound to recall below the provisions in respect of which it urges the Government to take without delay the necessary measures, in consultation with representative employers' and workers' organizations, with a view to amending them***.

Scope of application (section 2 of Act No. 23-02). ***The Committee urges the Government to consult the social partners, as a matter of urgency, on the measures to be taken to amend the requirements resulting from the application of section 2 of Act No. 23-02, so that trade union office in an enterprise is no longer restricted to persons employed by the enterprise in question, or to remove the requirement to belong to the occupation or to be an employee for at least a reasonable proportion of trade union officials.*** The Committee recalls that provisions of this type infringe the right of organizations to draw up their constitutions and to elect representatives in full freedom by preventing qualified persons (such as full-time union officers or pensioners) from being elected, or by depriving the organizations of the

experience of certain officers when they are unable to provide enough qualified persons from among their own ranks.

Independence of trade union organizations (sections 12 to 15 of Act No. 23-02). The Committee recalls that provisions imposing a general prohibition on political activities by trade unions or employers' organizations for the promotion of their specific objectives are contrary to the Convention. ***Accordingly, the Committee urges the Government to take the necessary measures to review sections 12 to 15 of Act No. 23-02, in consultation with representative workers' and employers' organizations at the national level, with a view to amending them.***

Trade union constitutions and rules of procedure (sections 37 to 42 of Act No. 23-02). The Committee recalls that the development of the trade union movement and its wider recognition as a social partner in its own right require workers' organizations to be able to voice their positions on political issues in the broad sense of the term, and, in particular, to express their views publicly on a government's economic and social policy. With regard to the political activities of the trade union movement, the Committee has expressed the view that both legislative provisions which establish a close relationship between trade union organizations and political parties, and those which prohibit all political activities by trade unions, give rise to serious difficulties with regard to the principles of the Convention. The Committee therefore recalls that provisions imposing a general prohibition on political activities by trade unions or employers' organizations for the promotion of their specific objectives are contrary to the Convention. ***Accordingly, the Committee urges the Government to take the necessary measures to review sections 37 to 42 of Act No. 23-02, in consultation with representative employers' and workers' organizations at the national level, with a view to amending them.***

Gifts and bequests (section 49 of Act No. 23-02). The Committee recalls the need to remove the requirement to obtain prior authorization from the public authorities with regard to gifts and bequests from national trade union organizations or foreign entities. ***The Committee urges the Government to take the necessary measures to amend section 49 of Act No. 23-02.***

Term and number of trade union appointments (section 56 of Act No. 23-02). The Committee recalls that the right of workers' organizations to draw up their own constitutions and rules, organize their administration and formulate their programmes means that matters such as the establishment of the term of appointments must be left to the unions themselves in their constitutions and rules. The Committee considers that provisions regulating in detail the alternation in the leadership of workers' or employers' organizations are incompatible with the Convention as they amount to interference by the public authorities in trade union affairs. ***The Committee urges the Government to take the necessary measures to amend section 56 of Act No. 23-02.***

Response to requests from the authorities (section 61 of Act No. 23-02). The Committee questions the wording of section 61, which imposes a duty to respond to all requests from the competent administrative authority but does not specify the nature, possible justifications or limits of such requests. Such a general provision poses challenges in that it could allow for continuous or harassing objections from the authorities and thereby give rise to risks of partiality or abuse. While the Government provides explanations for the wording of this section, it nevertheless indicates that, for the sake of clarity, section 61 will be reviewed under the amendment to Act No. 23-02. ***The Committee urges the Government to delete section 61 of Act No. 23-02 or to initiate consultations with representative workers' and employers' organizations in order to amend it.***

Dissolution of trade unions (sections 64 to 67 of Act No. 23-02). The Government indicates that it will be able to provide information on the implementation of these legal provisions in its next reports. ***Recalling that the dissolution of trade unions constitutes an extreme form of interference by the authorities in the activities of organizations, the Committee urges the Government to provide detailed information on the number of administrative appeals seeking the dissolution of trade unions under section 65, the specific grounds for such appeals, and the outcomes.***

Procedures for the exercise of the right to strike (sections 41 to 46 of Act No. 23-08). The Committee recalls that strikes relating to the Government's economic and social policy, including general strikes, are legitimate and therefore should not be regarded as purely political strikes, which are not covered by the principles of the Convention. Trade unions and employers' organizations responsible for defending socio-economic and occupational interests should be able to use, respectively, strike action or protest action to support their position in the search for solutions to problems posed by major social and economic policies which have a direct impact on their members. Moreover, with regard to so-called "sympathy" strikes, the Committee considers that a general prohibition of this form of strike action could lead to abuse, particularly in the context of globalization characterized by increasing interdependence and the internationalization of production, and that workers should be able to take such action, provided that the initial strike they are supporting is itself lawful (see the 2012 General Survey on the fundamental Conventions, paragraphs 124 and 125). ***The Committee therefore urges the Government to take all the necessary measures to remove the excessive restrictions on the exercise of the right to strike contained in sections 42 and 45 of Act No. 23-08.***

The Committee also requested the Government to clarify the concept of strike under section 42, which defines a strike as a collective and concerted stoppage of work "compatible with the activity of the enterprise and the continuity of public services". In its reply, the Government states that the legislative provision is understood to mean that the strike must be consistent with the requirements of the enterprise's activity, and also compatible with continuity of the public service insofar as the enterprise may include activities related to the production of essential goods (for example, pharmaceutical products and medical devices during a pandemic). ***The Committee requests the Government to provide practical examples where a collective stoppage of work has been considered incompatible with the employer's activity or with the continuity of the public service, pursuant to section 42 of Act No. 23-08, and to indicate any penalties imposed. The Committee also requests the Government to provide any list, drawn up on the basis of practice or by regulation, of jobs considered compatible with the continuity of the public service.***

Lastly, the Committee noted that the Act requires that strike action be taken after exhaustion of the dispute settlement procedures provided for under Title II of the Act (sections 5 to 40). The Committee indicated that the established conciliation, mediation and voluntary arbitration procedures, which build on each other, could result in a settlement procedure lasting several months before a strike is called. In this regard, the Committee recalled that it considered, for example, that the imposition of a duration of over 60 working days as a precondition for the exercise of a lawful strike may make the exercise of the right to strike difficult, or even impossible (see the 2012 General Survey on the fundamental Conventions, paragraph 144). ***The Committee urges the Government to initiate consultations with representative workers' and employers' organizations in order to reduce the period of prior dispute settlement procedures provided for in Act No. 23-08.***

Requisitioning (section 65 of Act No. 23-08). The Committee recalls that it is desirable to limit powers of requisitioning to cases in which the right to strike may be limited, or even prohibited, namely: (i) in the public service for public servants exercising authority in the name of the State; (ii) in essential services in the strict sense of the term; and (iii) in the case of an acute national or local crisis, and considers that essential services, for the purposes of restricting or prohibiting the right to strike, are only those the interruption of which would endanger the life, personal safety or health of the whole or part of the population (see the 2012 General Survey on the fundamental Conventions, paragraphs 151 and 131). The Government indicates that the provisions concerning requisitioning have not yet been used. ***The Committee requests the Government to provide information on any use of section 65 of Act 23-08, in the future.***

Strike resolution (section 69 of Act No. 23-08). ***The Committee requests the Government to remove the provision envisaging the participation of the employer or representative thereof in the general meeting at which it is to be decided whether or not to return to work.***

The Committee also notes with ***concern*** the observations of trade union organizations on the negative effect of the Act on their ability to develop their activities and its implementation by the authorities, including the labour inspectorate, which is detrimental to independent trade union organizations. ***The Committee therefore expects the Government to provide detailed information on the measures taken to give effect to its requests for amendments to the legislative framework introduced in 2023 on the exercise of freedom of association, including the right to strike, so as to bring it into conformity with the requirements of the Convention.***

Registration of trade union organizations

The Committee recalls that it has been examining the issue of the registration of the Algerian Union of Employees of the Public Administration (SAFAP) and the Confederation of Algerian Trade Unions (CSA) since 2019. Regarding the SAFAP, the Government indicates that it expects the union to amend its constitution in accordance with Act No. 23-02. As to the CSA, the Government indicates that the trade union organization has been invited to amend its constitution in accordance with the new law. However, an examination of the constitution of the CSA, as well as the constitutions of some of the trade union organizations forming it, has revealed issues of conformity, particularly with section 38, which specifies the provisions that must be included in the constitutions of trade union organizations. The administration is still awaiting the conformity of the constitution of the CSA, as well as those of the trade union organizations forming it. ***The Committee expects the Government to complete processing the registration applications of the SAFAP and the CSA without delay.***

Furthermore, the Committee notes the allegations of the National Union of Industrial Workers (SNSI), which denounces the administration's refusal to register its leadership that was renewed at a general meeting in July 2018. ***The Committee urges the Government to provide its comments in response to the allegations contained in the communication from the SNSI.***

With regard to the situation of SNATEG, the Committee notes that the Committee on Freedom of Association, during its last examination of the complaint (408th Report, October 2024, Case No. 3210), maintained its recommendations requesting the Government to review the decision to dissolve SNATEG without delay, taking due account of the factual evidence outlined, and in accordance with the principles of freedom of association and its international obligations. The Committee notes with ***concern*** that the Government merely states that the administration processed the application for the voluntary dissolution of SNATEG without interfering. ***The Committee is bound to reiterate its expectation that the Government will finally take the necessary measures to give effect to the recommendations of the Committee on Freedom of Association in this case.***

Lastly, the Committee is bound to remind the Government, which challenges the standing of members of COSYFOP (whose registration it contests) and the CGATA (whose registration it refuses) as trade union leaders, that the exercise of legitimate trade union activities should not be dependent on registration and that the authorities should refrain from any interference which would restrict this right or impede its exercise, unless public order is disturbed or its maintenance seriously and imminently endangered. The Committee notes that these organizations once again denounce the administration's refusal to take measures to register them, despite their requests and willingness to engage in dialogue.

With regard to COSYFOP, the Committee recalls that its situation is before the Committee on Freedom of Association, which has made recommendations firmly urging the Government to make contact with COSYFOP in order to find a way out of the difference of opinion concerning the election of its leaders, in order to facilitate the registration process. The Committee endorses these recommendations (see 405th Report, March 2024, Case No. 3434). ***The Committee expects the Government to resolve the issue of the registration of COSYFOP, the CGATA and other trade union organizations awaiting registration under the new law without further delay.***

In conclusion, the Committee once again urges the Government to further strengthen its efforts to ensure that full freedom of association is effectively guaranteed in law and in practice. Regretting

that the Government has not taken any tangible measures despite the extent of the previously raised issues of conformity with the Convention, the Committee expects the Government to hold without further delay consultations with the representative employers' and workers' organizations concerned in order to revise the provisions of Acts Nos 23-02 and 23-08 in the light of its comments. The Committee urges the Government to report any progress in this regard.

The Committee reminds the Government that it may avail itself of the technical assistance of the Office, if it so wishes.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1962)

Previous comment

The Committee notes the observations of the following representative employers' and workers' organizations received on: 17 September 2024 from the International Trade Union Confederation (ITUC), 30 August 2024 from the International Organisation of Employers (IOE), 27 August 2024 from the National Autonomous Union of Public Administration Personnel (SNAPAP), 24 August 2024 from the Trade Union Confederation of Productive Workers (COSYFOP) and 22 August 2024 from the Autonomous National Union of Electricity and Gas Workers (SNATEG). ***The Committee requests the Government to provide detailed information in response to the allegations contained in these observations, in particular those relating to anti-union discrimination against union leaders and members***.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion that took place in the Committee on the Application of Standards of the International Labour Conference (Conference Committee), in June 2024, concerning the application of the Convention by Algeria. In its conclusions, the Conference Committee requested the Government to: (i) strengthen cooperation with the independent social partners with a view to overcoming any outstanding challenge posed by the new legislation in order to provide the necessary guarantees for the protection of the right to organize and collective bargaining, in line with the Convention; (ii) adopt and effectively enforce legislation to strengthen the protection of workers against any forms of anti-union discrimination and acts of interference, including by intensifying the role of labour inspection; (iii) improve and speed up administrative and judicial procedures to identify and remedy acts of anti-union discrimination; (iv) ensure sufficiently dissuasive sanctions against anti-union discrimination; (v) revise the procedures for registering trade unions in order to reduce the duration of those procedures and ensure that measures to protect union leaders and members against reprisals are effectively implemented during such procedures; (vi) avoid any act of interference with the functioning of workers' organizations and employers' organizations, including the General Confederation of Algerian Employers (CGEA), to preserve their full autonomy and independence; (vii) review the relevant sections of Act No. 23-02 (concerning the exercise of the right to organize) with a view to ensuring the right to freely form workers' and employers' organizations to ensure that they set out precise, pre-established and objective criteria for the determination of employers' and workers' organization representativeness and that such criteria are effectively applied and ensure that employers' and workers' organizations are not prevented from receiving financial or other assistance by international workers' and employers' organizations; (viii) guarantee the right for minority unions to bargain at least on behalf of their own members; and (ix) guarantee that personal data of employers' and workers' organization members received to assess the continued representativeness of the respective organizations is kept under strict confidentiality so as to discourage any acts of anti-union discrimination.

The present examination by the Committee is based on the written and oral information provided by the Government to the Conference Committee, as well as on the information contained in its report.

Articles 1 and 2 of the Convention. Protection against acts of anti-union discrimination and interference. The Committee notes with ***concern*** the observations provided by national and international trade union organizations concerning acts of anti-union discrimination and interference against independent trade unions and their leaders. The Committee recalls that the Committee on Freedom of Association has had before it several cases concerning harassment and dismissal of trade union leaders and members, as indicated in the observations of the trade union organizations. The Committee refers to the conclusions and recommendations of the Committee on Freedom of Association in the cases concerned, such as that of the COSYFOP (see 405th Report, March 2024, Case No. 3434) and of SNATEG (see 408th Report, October 2024, Case No. 3210).

The Committee previously expressed its concern at the allegations of anti-union discrimination and interference against the COSYFOP and affiliated trade union organizations, including threats against and dismissals of trade union leaders of BATIMETAL-COSYFOP, the Workers' Union of the Commission for Electricity and Gas Regulation (STCREG), the National Union of the Higher Institute of Management and the National Federation of Workers of the Social Security Funds, affiliated with the COSYFOP. The Committee expressed its expectation that the Government would ensure adequate protection for the leaders and members of these trade union organizations against any acts of anti-union discrimination and interference by the employers and administrative authorities concerned. In its reply, the Government merely stated that the COSYFOP and its three affiliated organizations (the National Union of the Railway Transport Sector (SNSTF)), the National Union of the Ammonia/Fertilizer Sector (SNSAE) and the National Union of the Commercialization and Distribution of Petroleum Products Sector (SNSCDPP)) had ceased all trade union activity since 1991, that it regularly submits information in this regard to the Committee on Freedom of Association in the context of an ongoing complaint, specifying that these organizations have never provided the information necessary to assess their trade union representativeness or the renewal of their executive committees, and that consequently, as the complainants have not presented any evidence proving their membership, there are no legal grounds for the allegations. ***Recalling that its request concerned allegations of threats and anti-union dismissals against trade union leaders of BATIMETAL-COSYFOP, the STCREG, the National Union of the Higher Institute of Management and the National Federation of Workers of the Social Security Funds, the Committee urges the Government to provide without further delay its comments on the situation of the trade unionists named in the communications from the COSYFOP in 2023, indicating whether the organizations concerned continue their activities and are able to engage in collective bargaining in the establishments concerned***.

Furthermore, the Committee notes with ***concern*** the new allegations of the COSYFOP of anti-union dismissals against the leaders of the Seasonal Forestry Workers' Union (Toufik Bensetra, Abdelkader Zouaoui and Yakhlef Kerlouf) and the inaction of the labour inspectorate despite its obligation to conduct an investigation and to communicate the findings to the trade union representative and his or her organization under Act No. 23-02 on the exercise of the right to organize. ***The Committee requests the Government to provide its comments on the situation of the trade union leaders concerned and to indicate whether the Seasonal Forestry Workers' Union continues its activities and is able to engage in collective bargaining***.

The Committee notes that, in response to the conclusions of the Conference Committee concerning the need to avoid any act of interference with the functioning of the General Confederation of Algerian Enterprises (CGEA), the Government indicates that this representative organization is protected under section 8 of Act No. 23-02 and that it is regularly consulted, in particular on the drafting and revision of labour, employment and social security legislation and regulations.

Implementation of new legislation. The Committee previously noted the adoption of Act No. 23-02 of 25 April 2023 on the exercise of the right to organize, and of Act No. 23-08 of 21 June 2023 concerning the prevention and settlement of collective labour disputes and the exercise of the right to strike. It made recommendations on certain provisions.

Procedures for protection against anti-union discrimination. In the light of the allegations of the trade union organizations concerning the failure of the labour inspectorate to act on the actions lodged with it following acts of anti-union discrimination and dismissals affecting organizations affiliated with the COSYFOP, the Committee requested the Government to provide information on the implementation of sections 133 to 147 of Act No. 23-02 on procedures for the protection of salaried workers in the private sector and public servants and employees in public institutions and administrations against discrimination. The Committee duly notes the following statistics provided to the Conference Committee: the labour inspection services received 32 complaints from trade union delegates during the course of 2023, of which 26 were in the public sector and 6 in the private sector. The labour inspectorate undertook 32 investigations with employers, resulting in 5 warnings, 3 compliance notices, 4 violation reports and 2 situation reports. According to the Government, the action taken by labour inspectors led to the retraction of four penalties imposed by employers, including the cancellation of a dismissal. 24 complaints were found to be without merit by the labour inspectors responsible for the investigations. 16 other complaints were made by trade union delegates to conciliation offices, resulting in 15 reports of the failure of conciliation, and 1 complaint is still being processed.

The Committee notes that the COSYFOP expresses concern about the implementation of this new procedure for the protection of workers against anti-union discrimination because, according to the COSYFOP, the labour inspectorate: (i) most often rules against independent trade unions by aligning itself with the interests of employers and the administration; and (ii) complicates the access of trade union representatives to legal remedies, for example, by delaying or refusing to issue the documents necessary to challenge unfair dismissals before the courts. The COSYFOP therefore requests the Government to consult the workers' organizations concerned with a view to amending the legal provisions, with the assistance of the Office.

The Committee requests the Government to continue to provide information on the implementation of sections 133 to 147 of Act No. 23-02, including up-to-date statistical data on the number of actions lodged with labour inspectorates, and the percentage of investigations carried out and their outcomes. The Committee also requests the Government to provide its comments in response to the concerns expressed above by the COSYFOP.

Moreover, the Committee previously noted that under the current legislation and procedures, it would be possible for an employer to dismiss the founding members of a union during the period when it was applying for registration (which in practice can take several years), without the latter benefiting from the protection afforded by the legislation against anti-union discrimination and requested the Government to take measures in this regard. The Committee notes the Government's indication that it is prepared to initiate consultations with the social partners, as necessary, to improve trade union representativeness and protection. ***The Committee once again requests the Government to initiate consultations with the social partners to ensure adequate protection to trade union leaders and members during the period in which an established trade union is applying for registration, and to indicate any progress made in this regard.***

Protection against interference. With regard to protection against interference under section 8 of Act No. 23-02, the Committee requested the Government to specify the exceptions provided for by law, to which the provision in question refers. According to the Government, the exception mentioned in section 8 refers to section 49 of the Act, which provides that gifts and bequests from external sources are acceptable only with prior authorization from the governmental authorities, which must verify the origin, amount and compatibility of these contributions with the trade union objectives. The

Government indicates that sections 8 and 49 of Act No. 23-02 guarantee that trade unions operate independently and in accordance with the law. ***In this regard, the Committee refers to its observation on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in which it reiterates the need to remove the requirement to obtain prior authorization from the public authorities with regard to gifts and bequests from national trade union organizations or foreign entities, and thus to amend section 49 of Act No. 23-02, which reproduces this obligation. The Committee requests the Government to indicate any exceptions made to the implementation of section 8 of Act No. 23-02 in alleged cases of interference.***

Determination of trade union representativeness. The Committee noted that under the terms of section 69 of Act No. 23-02, the representativeness of a trade union organization was determined by a minimum voting strength in professional elections, as well as the financial transparency of its accounts and its political neutrality. The Committee noted that the criterion of political neutrality contained could give rise to difficulties in that it could trigger risks of partiality or abuse and wished to know how the criterion of financial transparency was relevant to determining representativeness.

According to the Government, the criterion of financial transparency was introduced with the aim of ensuring rigorous management of the financial resources of trade unions, including contributions from their members, and is intended to strengthen the trust of members and prevent potential conflicts or disputes over the management of trade union organizations before the competent jurisdictions. In order to meet this criterion of financial transparency, trade unions are required to comply with the provisions set out in the Act (sections 46 to 52). As to political neutrality, the Government indicates that this criterion is intended to prevent any partisan political influence within trade unions, with a view to maintaining their independence and guaranteeing that decisions reflect the collective interests of the workers, irrespective of their political beliefs and affiliation. The political freedom of each member is guaranteed by the provisions of the Act (section 12), which provides that "the members of the trade union shall be free in an individual capacity to join political parties".

While noting the information provided, which is intended to explain how the Act seeks to guarantee the governance, including the financial governance, of trade unions, the Committee must insist on the fact that the reference to the criteria of financial transparency of accounts and political neutrality, pursuant to articles 69 et seq. of Act No. 23-02, for determining the representativeness of organizations to be engaged in collective bargaining may not provide the required guarantees of precision and objectivity, and thus give rise to risks of partiality or abuse. The Committee notes that the Government is willing to assess the effectiveness of the measures introduced by law and to improve the legislative framework within an inclusive and constructive social dialogue. ***In this spirit, the Committee reiterates its request to the Government to consult with the representative employers' and workers' organizations on the means of recognition of representativeness under section 69 et seq. of Act No. 23-02, with a view to their revision. In the meantime, the Committee requests the Government to clarify the extent to which the criteria of financial transparency and political neutrality have been applied in practice when determining representativeness following professional elections***.

Conditions for maintenance of representative status. The Committee recalls that its previous comments referred to the information to be provided to prove the representativeness of basic trade union organizations or to maintain the representative status of workers' and employers' organizations (sections 79 et seq. of the Act). This status is maintained by obtaining, every three years, a certificate issued by the competent governmental authority after the trade union organizations have provided information via an electronic platform. The Committee noted that the requirement to provide information concerning members in order to maintain representative status would obviate the criterion of election results. The Committee also noted that the completeness of the information that basic trade union organizations had to provide the employer and the labour inspectorate with, under the terms of section 79(3) of the Act, could raise difficulties with regard to the risks of anti-union discrimination, as the trade union organizations maintain. The Committee notes that the trade unions reiterate their

concern in this respect. The Committee notes the Government's reply indicating that the information gathered via the electronic platform is protected by law and is not shared with employers under any circumstances. It cannot therefore be used for purposes of anti-union discrimination.

In this regard, the Committee considered it unnecessary to draw up a list of names of members of trade union organizations in order to determine membership numbers, since this could be established from a statement of union dues without drawing up a list of names, which would entail a risk of acts of anti-union discrimination. ***Noting once again that the Government states that it is committed to inclusive and constructive social dialogue with a view to assessing the effectiveness of the measures introduced by law and improving the legislation, the Committee requests the Government to take the necessary measures, in consultation with the representative employers' and workers' organizations, to remove the requirement to provide information that could facilitate acts of anti-union discrimination.***

Renewal of representative status. The Committee previously indicated that the administrative approval mechanism for the validation and maintenance of the representative status of trade union organizations could have an impact on the development of industrial relations and collective bargaining and requested the Government to provide timely information on the renewal of the representative status of organizations. In its reply, the Government indicates that the Act is recent and that the majority of the mandates of trade unions have not yet expired. The information required is not yet available. Moreover, trade unions are currently engaged in the process of providing information for the assessment of their representativeness through the electronic platform, in accordance with the Act and Decree No. 23-359 of 17 October 2023, determining the procedures for the assessment of the representativeness of trade unions and the content of the statistical indicators of their membership. ***The Committee hopes that the Government will soon be able to provide information on the renewal of the representativeness status of organizations, and to indicate the number of certificates provided each year and the number of refusals to renew, appeals and outcomes thereof.***

Article 4. Promotion of collective bargaining. In response to its request concerning the promotion of collective bargaining in the absence of a representative organization in a unit, the Committee notes the Government's clarifications concerning the right of minority trade unions to carry out actions, such as disseminating information and other initiatives to attract new members (section 70 of Act No. 23-02), and their right to appoint a trade union representative who may disseminate and display information relating to the trade union activities of his or her organization (section 95 of Act No. 23-02). ***The Committee once again requests the Government to clarify the extent to which, if no trade union attains the requisite threshold to be declared representative in professional elections, minority organizations might unite to negotiate a collective agreement applicable to the negotiating unit or, at least, conclude a collective on behalf of their respective members. In the absence of legislative or regulatory provisions that would allow such a solution, the Committee encourages the Government to initiate consultations with representative employers' and workers' organizations on the issue and to report on them.***

Application of the Convention in practice. ***The Committee notes the detailed data provided on the total number of collective agreements and accords signed between 2021 and part of 2024. The Committee requests the Government to continue to provide statistics on the number of collective agreements and accords registered by the labour inspectorate, and to specify the sectors concerned as well as the number of workers covered.***

Antigua and Barbuda

Labour Relations (Public Service) Convention, 1978 (No. 151) (ratification: 2002)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the

examination of the application of the Convention on the basis of the information at its disposal at its next session.

Articles 4 and 5 of the Convention. In its previous comments, the Committee had requested the Government to take the necessary measures to grant civil servants and their organizations sufficient legal protection against anti-union discrimination and interference, and had requested the Government to provide information on cases concerning anti-union discrimination. The Committee notes the information contained in the Government's report that there are no cases to report with regard to anti-union discrimination and that the Antigua and Barbuda Constitution grants inalienable rights to citizens. ***The Committee once again requests the Government to take the necessary measures to grant civil servants and their organizations sufficient legal protection against anti-union discrimination and interference and requests the Government to provide information of any cases concerning anti-union discrimination (especially with respect to the procedures and sanctions imposed).***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Azerbaijan

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1992)

Previous comment

Article 4 of the Convention. Bipartite negotiations. The Committee recalls that the Labour Code, 1999, makes a distinction between a "collective accord", concluded at the enterprise level following bipartite negotiations between workers and employers (section 29), and a "collective agreement", concluded at industry, territorial or national level following bipartite (between trade unions and the authorities, section 36(1)) or tripartite negotiations (between trade unions, employers' organizations and the relevant authority, section 36(2)). Recalling that tripartism may be appropriate for the regulation of questions of a larger scope but should not replace the principle of autonomy of the parties in collective bargaining on conditions of employment, the Committee had requested the Government to take appropriate measures, in consultation with the social partners, to encourage and promote collective bargaining between trade unions and employers and their organizations without involvement of public authorities. The Committee notes the Government's indications that: (i) a Social Partnership Bill is in preparation in order to improve social partnership relations and strengthen the relevant legislative and institutional framework; (ii) the Tripartite Commission is currently drafting a "Model collective agreement for different types of economic entities" to encourage the conclusion of collective agreements at private enterprises. While taking due note of this information, the Committee ***regrets*** that no measures have been taken to amend section 36(2) of the Labour Code as to provide the possibility for organizations of workers and employers to conclude collective agreements following bipartite negotiations at levels other than the enterprise. ***The Committee is therefore compelled to repeat its previous request and hopes that the Government will take the appropriate measures in the near future. The Committee requests the Government to provide information in this respect.***

Bahamas

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2001)

Previous comment

The Committee takes note of the observations of the Commonwealth of the Bahamas Trade Union Congress received on 15 September 2024, which refer to the issues raised by the Committee below and to the lack of consultations with the social partners thereon.

Legislative issues. The Committee recalls that for many years it has been requesting the Government to amend the Industrial Relations Act (IRA) and other texts to bring the national legislation into conformity with the Convention. In particular, the Committee referred to the need to amend the following provisions:

Article 2 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and join organizations without previous authorization:

- section 3 of the IRA and sections 39 and 40 of the Correctional Officers (Code of Conduct) Rules, 2014, to ensure that prison staff enjoy all rights and guarantees under the Convention;
- section 8(1)(a) and the First Schedule of the IRA, to ensure that, beyond the verification of formalities, the Registrar has no discretionary powers to refuse the registration of trade unions and employers' organizations.

Article 3. Right of workers' organizations to draw up their constitutions and rules and to elect their representatives in full freedom and to freely organize their activities and to formulate their programmes:

- section 20(2) of the IRA, so as to ensure that trade unions can conduct ballots for election or removal of trade union officers and for amendment of the constitution of trade unions without interference from the authorities;
- section 20(3) of the IRA, so as to ensure that trade unions can conduct strike ballot without supervision by the authorities;
- sections 73, 76(1) and 77(1) of the IRA providing for compulsory arbitration to bring an end to a collective labour dispute and a strike, so as to not excessively restrict the right of organizations to formulate their programmes and organize their activities;
- sections 74(3), 75(3), 76(2)(b) and 77(2) of the IRA, to ensure that no penal sanctions may be imposed for having carried out a peaceful strike;
- section 75 of the IRA, so as to allow organizations responsible for defending socio-economic and occupational interests to use strike action or protest action to support their position in the search for solutions to problems posed by major social and economic policy trends which have a direct impact on their members.

Article 5. Right to affiliate with international federations or confederations:

- section 39 of the IRA, so as to ensure the right of workers' and employers' organizations to affiliate with international organizations of workers and employers.

The Committee notes the Government's indication that: (i) the IRA is still under review by the National Tripartite Council (NTC); (ii) the review of sections 20(2), 73, 74(3), 75(3), 76(2)(b) and 77(2) of the IRA is a top priority; and (iii) the Committee's request to repeal section 39 of the IRA, made since 2006, continues to be under review. The Committee also notes that, according to a public statement made by the chairperson of the NTC on 4 October 2024, the NTC resumed its meetings in October 2024 with a newly elected board and that its agenda for 2024–27 includes work on the implementation of ILO Conventions. ***The Committee urges the Government to take all necessary measures, including through bringing its comments to the attention of the NTC, with a view to ensuring that the legislation is amended without further delay. The Committee requests the Government to indicate any progress made in this regard and reminds the Government of the possibility of availing itself of ILO technical assistance.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1976)

Previous comment

The Committee notes the observations of the Commonwealth of the Bahamas Trade Union Congress (CBTUC) received on 15 September 2024 which highlight the need to strengthen social

dialogue in the country and refer to issues examined by the Committee in this observation. ***The Committee requests the Government to provide its comments thereon.***

Article 2 of the Convention. Adequate protection against acts of interference. In its previous comments, the Committee had requested the Government to take measures for the adoption of legislative provisions giving effect to *Article 2* of the Convention. The Committee notes the Government's indication that: (i) it is working diligently on this matter, raised since 2013; and (ii) the review of the Industrial Relations Act (IRA) by the National Tripartite Council (NTC) is still ongoing. The Committee also notes that, according to a public statement made by the Chairperson of the NTC on 4 October 2024, the NTC resumed its meetings in October 2024 and its agenda for 2024–27 includes work on the implementation of ILO Conventions. ***Recalling that this is a long-standing issue and considering that the review of the IRA is still ongoing, the Committee expresses its firm expectation that the Government will take the necessary measures to give effect to Article 2 of the Convention without further delay. It requests the Government to provide information on any developments in this regard.***

Article 4. Representativeness. In its previous comments, the Committee had noted that section 41 of the IRA provides that in order for a trade union to be recognized for bargaining purposes, it must represent at least 50 per cent of workers of the bargaining unit, and recalled that under a system of designation of an exclusive bargaining agent, if no union represents the required percentage of workers to be declared the exclusive bargaining agent, collective bargaining rights should be granted to all the unions in the unit, jointly or separately, at least on behalf of their own members. The Committee ***regrets*** to note that the Government reiterates that there are no new developments in this regard as the IRA has not yet been amended. ***Recalling that it has been raising this issue for more than a decade, the Committee once again urges the Government to take all the necessary measures in the context of the ongoing review of the IRA so as to bring it into line with the Convention. It requests the Government to provide information on any developments in this regard.***

Right of prison guards to bargain collectively. In its previous comments, the Committee had requested the Government to take the necessary steps to ensure that prison guards can fully enjoy the rights and guarantees set out in the Convention. The Committee notes that, while the Government indicates that it acknowledges the comments made in this respect, it reiterates that there are no new developments to report. ***Recalling once again that the right to bargain collectively also applies to prison staff, and that the establishment of a simple consultation procedure for public servants who are not engaged in the administration of the State is not sufficient, the Committee reiterates its firm expectation that the Government will take the necessary measures, including legislative ones, to ensure that prison guards can fully enjoy the rights and guarantees set out in the Convention. The Committee requests the Government to provide information on any developments in this regard.***

Collective bargaining in practice. The Committee notes the information provided by the Government according to which 10 out of the 11 collective agreements received by the Department of Labour in 2022, covering sectors such as finance, telecommunications, health and education, are still pending registration. The Committee also notes the CBTUC's indication that some collective agreements are outstanding since 2018. ***Recalling that under the principle of free and voluntary negotiation enshrined in Article 4 of the Convention, the process of registration of collective agreements shall only involve checks on compliance with the legal minima and questions of form, the Committee expresses its concern as to the very long delays in the registration of collective agreements and requests the Government to provide further details in this respect. The Committee also requests the Government to provide more comprehensive and updated information on: (i) the number of collective agreements signed, registered and in force in the country, the sectors concerned, and the number of workers covered by these agreements; and (ii) the measures taken to promote collective bargaining.***

The Committee reminds the Government of the possibility of availing itself of ILO technical assistance in relation to the above-mentioned issues and encourages the NTC to take its comments into account when undertaking its review of the IRA.

Barbados

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1967)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee takes note of the observations of the International Trade Union Confederation (ITUC) received on 10 September 2014, concerning matters examined under this comment, as well as other allegations of violations of the Convention in the law. The Committee requests the Government to provide its comments in this respect. The Committee also takes note of the observations of the International Organisation of Employers (IOE) received on 1 September 2016, which are of a general nature. The Committee recalls that it has been requesting the Government since 1998 to provide information on developments in the process of reviewing legislation regarding trade union recognition. The Committee notes that the Government indicates that there are no further developments in the process of reviewing legislation regarding trade union recognition, and that a number of the observations made by the ITUC refer to issues concerning trade union registration. ***Hoping that it will be able to observe progress in the near future, the Committee requests the Government to provide information on any development in the legislative review process and it recalls that the Government may avail itself of the technical assistance of the ILO in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1967)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee had noted the comments made by the International Trade Union Confederation (ITUC) in a communication received on 31 August 2014. ***The Committee requests once again the Government to provide its comments in this respect.***

Articles 1 and 3 of the Convention. Protection against acts of anti-union discrimination. The Committee had previously noted that the new Employment Rights Act (ERA) only covered cases of anti-union dismissals (section 27) and limited this protection to employees continuously employed for a period of over one year. The Committee had recalled that the Government had adequate protection against acts of anti-union discrimination which should not be confined to penalizing dismissal on anti-union grounds, but should cover all acts of anti-union discrimination (demotions, transfers and other prejudicial acts) at all stages of the employment relationship, regardless of the employment period, including at the recruitment stage, and had therefore requested the Government to amend the new Act so as to bring it into conformity with the Convention. The Committee notes that the Government reiterates that section 40A of the Trade Union Act provides protection against acts of anti-union discrimination stating that an employer who dismisses a worker or adversely affects the employment or alters the positions of a worker to his prejudice because that worker takes part in trade union activities is guilty of an offence. The Committee welcomes the Government's indication that under the proposed Employment (Prevention and Discrimination) Act, which is currently in an advanced stage of preparation, a person discriminates against another when that person on a ground

specified (subsection (2)) creates an exclusion or shows a preference, the intent or effect of which is to subject the other person to any disadvantage, restrictions or other detriment, and that the Government will take immediate steps to include "trade union membership or trade union status" as a ground established in subsection (2). The Government further indicates that under the proposed Act, the Employment Rights Tribunal will have the power to make a range of orders, including paying to the complainant a compensation in an amount that may include exemplary damages. ***The Committee trusts that the new legislation will soon be adopted and will ensure adequate protection against all acts of anti-union discrimination. It requests the Government to provide information on any progress made in this respect.***

In its previous comment, the Committee had further noted that while sections 33–37 of the new ERA provided for the possibility of reinstatement, re engagement and compensation, the maximum amount of compensation awarded to workers who have been employed for less than two years is five-weeks wages, which, depending on the number of years of continuous employment, is increased by between two-and-a-half and three-and-a-half weeks wages for each year of that period (Fifth Schedule). The Committee had considered that the prescribed amounts do not represent sufficiently dissuasive sanctions for anti-union dismissal, and had therefore requested the Government to take the necessary measures to amend the Fifth Schedule of the new ERA so as to bring the compensation amount to an adequate level. The Committee notes the Government's indication that it is proposing an amendment to the ERA that: (i) would allow the Chief Labour Officer to lodge cases before the Employment Rights Tribunal which may include persons employed for less than one year and where anti-union discrimination is being alleged; and (ii) gives power to the Tribunal to order an amount not exceeding 52 weeks' wages. The Committee recalls that the compensation envisaged for anti-union dismissal should: (i) be higher than that prescribed for other kinds of dismissal, with a view to the effective dissuasion of this type of dismissal; and (ii) be adapted in accordance with the size of the enterprises concerned (it has considered, for example, that while compensation of up to six months' wages may be a deterrent for small and medium-sized enterprises, that is not necessarily the case for highly productive and large enterprises). ***The Committee trusts that the Government will take all the necessary measures to amend the ERA in line with the principles set out above, and requests the Government to provide information on any development in relation to the envisaged legislative amendment and its application in practice.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Belarus

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1956)

Previous comment

The Committee takes note of the observations of the Belarus Congress of Democratic Trade Unions (BKDP), received on 31 August and 15 September 2024, and of the International Organisation of Employers (IOE), received on 31 August 2024, referring to matters addressed in this comment.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

Follow-up to the recommendations of the Commission of Inquiry appointed under article 26 of the Constitution of the ILO

The Committee recalls that in its June 2023 resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus, the Conference urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention. The International Labour

Conference decided to hold at its future sessions a special sitting of the Committee on the Application of Standards (Conference Committee) for the purpose of discussing the application of the Convention by the Government and the implementation of the recommendations of the Commission of Inquiry, so long as the Government has not been shown to have fulfilled its obligations.

The Committee takes note of the conclusions adopted by the Conference Committee in June 2024 following the discussion on the application of Conventions Nos 87 and 98. The Conference Committee noted with deep concern the persistent disregard of the guidance, conclusions and recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body by the Government of Belarus and refusal to accept and implement them. It further expressed its deep concern and regret at the use of criminal sanctions against trade unionists engaged in legitimate trade union activities and the judicial harassment of trade union members, including arrests, prosecution and imprisonment. It deplored the repression against independent trade unions and the imprisonment of trade unionists and urged the Government to immediately release them, drop any charges and quash any convictions brought against them. It recalled that this case had been discussed repeatedly in the Committee before the appointment of a Commission of Inquiry, and deeply deplored the lack of progress towards the observance of the Conventions by the Government of Belarus. The Conference Committee deeply deplored the climate of state violence, intimidation and fear in Belarus which is not conducive to the free exercise of civil liberties; the continuing deterioration of freedom of association and the right to collective bargaining; and the erosion of the rule of law exemplified by the complete lack of independence of the judiciary. It took note of the March 2024 Governing Body action plan to implement the 2023 resolution and the High-Level Roundtable to discuss freedom of association in Belarus, which took place on 28 May 2024 and evidenced the persistent general climate of non-respect for basic civil liberties necessary to the exercise of freedom of association. The Conference Committee called on the Government to take all possible measures with the greatest urgency to implement the recommendations of the Commission of Inquiry and all subsequent observations made by the supervisory bodies of the ILO regarding compliance with the Conventions. It also requested the Government with the utmost urgency to accept an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists to assess their health and offer medical assistance, as necessary; and an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention. The Conference Committee decided to include the discussions and conclusions of the special sitting in a separate part of its report.

At the outset, the Committee notes with ***deep regret*** that the Government indicates that since its 2023 report, there have been no significant changes in law and practice that would affect the application of the Convention and once again merely reiterates the information it had previously provided and considers that the Committee misunderstands and misinterprets the situation on the ground.

Civil liberties and trade union rights. The Committee recalls that it urged the Government to immediately release all trade union leaders and members arrested for participating in peaceful assemblies or for exercising their civil liberties pursuant to their legitimate trade union activities, and to drop all related charges. The Committee also urged the Government to receive without further delay an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention.

The Committee notes the Government's indication that it had repeatedly drawn attention to the lack of grounds and outright absurdity of allegations that the country's trade unions and citizens were persecuted for carrying out trade union activities and legally and peacefully exercising civil rights and liberties. According to the Government, the ILO is being misled by the complaints of politically motivated individuals and organizations, and therefore continues to erroneously assume that the 2020 protests were motivated by economic and social considerations, were lawful and peaceful, and were directed at

protecting civil and trade union rights and liberties. The Government insists that purely political events, unrelated to the processes of social dialogue in the workplace and the exercise of trade union rights, should not serve as a basis for assessing compliance with the Convention and should not be considered when monitoring the implementation thereof. The 2020 protests were artificially encouraged by outside forces, were unlawful and were intended to seize power by unconstitutional means. The protestors' demands (the resignation of the Head of State, fresh elections, exoneration of law breakers) had nothing to do with the protection of citizens' labour, social and economic interests or the tasks that trade unions are bound to perform. The Government considers that the authors of the complaints deliberately brought political issues to the ILO in order to discredit Belarus internationally, justify unprecedented unilateral restrictive measures against the country, escalate political pressure on the legitimate authorities and launch another wave of sanctions based on ILO decisions. The Government reiterates that all citizens and trade unions referred to in the complaints and comments of the ILO supervisory bodies had been prosecuted for specific unlawful acts not connected with the lawful and peaceful exercise of trade union rights and freedoms. The Government points out that it had already commented on several occasions on the reasons for their prosecution. These individuals have been prosecuted for crimes such as gross violation of public order resulting in disruption to transport and enterprises; violence against internal affairs officers; calls for action to harm national security; incitement to ethnic or social enmity and discord on the grounds of ethnic and social affiliation; facilitation of extremist activities; defamation; and damage to property in public places. Several of these individuals were members of the foreign-funded extremist formation Rabochy Rukh (Workers' Movement), whose principal aim is to involve employees of state-owned industrial enterprises in radical political activity so as to obtain inside information on their operations, stop the production process and strengthen sanctions against Belarus. In addition to committing extremist crimes, the members of this formation engaged in illegally gathering and passing on restricted inside information about Belarusian economic entities to foreign states, foreign organizations and their representatives. Thus, the Government indicates, all calls for the dismissal of all charges against these individuals and their immediate release had no objective legal basis. The review of sentences, interaction with the convicted persons and their release from custody falls within the exclusive competence of law enforcement agencies and courts, interference in the activities of which is inadmissible and entails liability in accordance with the law. The Government recalls that the activities of the BKDP and its member organizations were terminated by the Supreme Court decisions on the basis that they contradicted the national Constitution and other legislation, and caused harm to the State or public interests. The Government reiterates that national legislation does not allow copies of court and other documents to be provided to parties who are not involved with the proceedings. This practice is dictated by legal provisions aiming to ensure protection of individuals' personal data and their rights and freedoms when their personal data is processed. Furthermore, since the individuals in question were not prosecuted in connection with their trade union activities or their exercise of other legal rights and freedoms guaranteed by Conventions Nos 87 and 98, the Government believes that the Committee's requests for copies of court decisions go beyond the obligations assumed by Belarus under these Conventions and are excessive.

With regard to the calls by the Committee and other ILO bodies for a tripartite ILO mission to visit Belarus to gather information on the implementation of the recommendations of the Commission of Inquiry and the subsequent recommendations of the ILO supervisory bodies, including visits to individuals who are imprisoned or detained, the Government indicates that in the context of the utterly discriminatory and blatantly politicized decision on Belarus taken at the instigation of Western countries during the 111th Session of the International Labour Conference in June 2023 with the aim of widening the unlawful pressure on the Belarusian State, currently, there is no political or practical reason for organizing a mission to the country (which would very probably also be used to escalate illegitimate pressure).

The Committee notes the BKDP indication that as of 14 September 2024, more than 50 trade union and labour leaders and activists were under criminal persecution, that is, were either imprisoned/imposed a penalty of restriction of freedom or were released but not exonerated. The BKDP reiterates, with respect to the latter category of persecuted individuals, that the national legislation provides for a system of restrictions on the rights of those who have served their sentences (for example prohibition from leaving the country, the city, or even apartment without police permission; recorded video checks several times a day and even at night; the obligation to appear at the police station for preventive measures in the form of talks and collective watching of patriotic pro-government films; ban on specific professional activities, including public service positions and educational activities; ban on organizing mass events for two to five years after serving the sentence; bank accounts controlled by special services can be frozen). The BKDP further indicates that the Government approved lists of "extremists" and "terrorists" that included all those released activists and that it can take up to five years to be removed from the "terrorist" list, and up to ten years from the "extremist" list. The BKDP provides a list of 32 trade union and labour leaders and activists imprisoned (including Mr Aliaksandr Yarashuk, the BKDP Chairperson and member of the ILO Governing Body) or whose freedom of movement was otherwise restricted, and a list of 28 trade union and labour leaders and activists released, but not exonerated.

The BKDP provides further information on the situation of the following prosecuted trade unionists:

- Mr Leonid Soudalenko (activist of the Belarusian Union of Radio and Electronics Workers (REP), labour lawyer): was sentenced in absentia by a judge of the Gomel Regional Court on 18 June 2024 to five years of imprisonment and a fine of 26,000 Belarusian rubles (approximately €7,700) under sections of the Criminal Code on "facilitating extremist activities". Due to well-founded fears of persecution after serving his previous three-year sentence in July 2023, Mr Soudalenko was forced to flee Belarus and therefore cannot exercise his right to defence. His rights to a defence and fair trial were substantially violated during this process, including due to the fact that the defence attorney appointed by the State refused to provide him with the requested procedural documents, including the decision to initiate the case and a copy of the verdict. Mr Soudalenko filed applications with the Gomel Regional Prosecutor's Office and the Gomel Regional Investigative Committee to initiate a criminal case against the attorney under section 204 of the Criminal Code "refusal to provide information to a citizen". He also appealed the verdict; the hearing was scheduled for 17 September 2024.
- Ms Volha Brytsikava (leader of the Belarus Independent Trade Union (BNP)): on 11 June 2024, the Supreme Court judicial panel rejected her appeal against her sentencing to three years of imprisonment under section 130(1) of the Criminal Code "inciting racial, national, religious or other social hatred or discord". The proceedings were held in a closed session. On 28 June 2024, the Ministry of Internal Affairs put Ms Brytsikava on the "extremists" list. On 20 August 2024, another closed trial was held to examine three new charges under the following sections of the Criminal Code: 361(3) "calls for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus", punishable by up to six years of imprisonment, with or without a fine; 130(1) "incitement of racial, national, religious or other social hostility or enmity", punishable by up to five years of imprisonment; and 361-4(1) "facilitating extremist activities", punishable by up to six years of imprisonment, with or without a fine. Currently, she cannot receive money transfers.
- Ms Palina Sharenda-Panasiuk (REP activist who was sentenced to one year of imprisonment under the following sections of the Criminal Code: 411(2) "malicious disobedience to the requirements of the administration of a correctional institution executing a sentence of imprisonment" on 10 September 2023, and 364 "violence or threat of violence against an internal affairs officer", 369 "insulting a representative of authority", 368 "insulting the President

of the Republic of Belarus" on 9 June 2021): in early July 2024, Ms Sharenda-Panasiuk was transferred to the Minsk Republican Scientific and Practical Center for Mental Health for a psychiatric examination. This was her fourth examination. In July 2024, her relatives received a communication from the Committee on the Elimination of Discrimination against Women (CEDAW) stating that the activist was diagnosed with "moderate chronic pancreatitis", a dangerous disease, the treatment of which was complicated in prison conditions. It would appear that since 14 September 2024, Ms Sharenda-Panasiuk was in Gomel Pretrial Detention Center although for a long time, the family did not know where she was; on 10 September 2024, she was placed in a punishment cell.

- Mr Siarhei Shelest (member of Rabochy Rukh and BNP Naftan activist who was sentenced to 14 years of imprisonment on 17 February 2023 under the following sections of the Criminal Code: 188 "defamation", 356(1) "treason against the State", 361-1(3) "creation of an extremist formation or participation in it"): the administration of the Penal Colony No. 2 in Babruysk artificially created situations where Mr Shelest was subject to disciplinary sanctions. On 1 May 2024, he was placed in cell-type premises, which, according to the BKDP has more severe restrictions on rights than punishment cells.

The BKDP further alleges that in cooperation with the management of certain enterprises, mass detentions of workers took place during their working hours in May–August 2024. Workers were arrested, convicted and sentenced to 15 days of administrative arrest under section 19.11 of the Code on Administrative Offences "distribution, production, storage, transportation of information products containing calls for extremist activities or promoting such activities". Some were later fired from their respective workplaces. In addition, two activists of the Free Belarusian Trade Union (SPB) were arbitrarily detained by the Department of Financial Investigations for making donations to victims of human rights violations through the initiative ByHelp. They were threatened with criminal prosecution under section 361-2 of the Criminal Code "financing extremist activities". The condition for their release was the payment of US$500 and US$1,000 to the State Institution "Republican Center for the Organization of Medical Response". The BKDP provides details on the Government's inclusion of materials of independent trade unions, their leaders and activists of the labour movement in the lists of "extremist" materials, which restricted workers' rights to access information to coordinate their joint actions. The distribution (including through websites, social networks and so on), public display of extremist materials, their production, publication, storage and transportation for the purpose of distribution are prohibited. The legal consequences of recognition as "extremist" materials is their ban on the territory of Belarus and the basis for bringing to administrative responsibility under section 19.11 of the Code on Administrative Offences which carries a possible sentence of an administrative arrest of up to 30 days. The BKDP indicates in this regard that on 15 July 2024, information materials of the BNP at the Belaruskali 1st Mine were recognized by the Salihorsk District Court of Minsk region as extremist.

The Committee notes with ***deep concern*** the information communicated by the BKDP regarding the list of 47 trade union leaders and activists currently detained or whose freedom of movement is restricted. The Committee also notes with ***deep concern*** the information provided by the BKDP and the International Trade Union Confederation (ITUC) to the Governing Body at its 352nd Session, indicating that violations of freedom of associations and civil liberties have not only not been addressed but have worsened due to the State campaign of persecution of leaders and activists of the workers' movement. It is now impossible for independent trade unions and their members to carry out their activities in Belarus. Anyone who associated himself or herself with independent trade unions and participated in their activities is subject to criminal liability punishable, under the Criminal Code, by restriction of freedom or imprisonment for a term of up to ten years. The recent pardons of some political prisoners and prisoners of conscience by Mr Lukashenko (in July, August and September 2024) cannot be considered as actions to restore the rights violated by the State as a mandatory condition for pardon is admission of guilt of committing the crime.

The Committee once again ***deplores*** the Government's unwillingness to take steps for the release of the detained trade union leaders and members. The Committee further once again ***deplores*** that on the one hand the Government reiterates that trade unionists had been prosecuted for specific unlawful acts not connected with the lawful and peaceful exercise of trade union rights and freedoms and, on the other, it fails to provide a copy of the judicial decisions as previously requested by the Committee. The Committee emphasizes that the right to a fair and public hearing implies the right for the judgment or decision to be made public and that the publicizing of decisions is an important safeguard in the interest of the individual and of society at large. The very essence of judicial procedure is that its results are known, and confidence in its impartiality rests on their being known. The Committee recalls that the absence of guarantees of due process of law may lead to abuses and may also create a climate of insecurity and fear which may affect the exercise of trade union rights. ***The Committee requests the Government to take all necessary steps, including legislative, if necessary, to ensure the right to a fair trial. Further in this respect, the Committee, with reference to the recommendations of the Commission of Inquiry, stresses the need to ensure impartial and independent judiciary and justice administration in general, in order to guarantee that investigations into these grave allegations are truly independent, neutral, objective and impartial. Accordingly, the Committee also renews its request that the Government take steps, including by legislation, if necessary, to supply copies of the relevant court decisions upholding detention and imprisonment of workers and trade unionists.***

The Committee further once again recalls that for a number of years the ILO supervisory bodies, including this Committee, have been drawing the Government's attention to the International Labour Conference 1970 resolution concerning trade union rights and their relation to civil liberties, which emphasizes that the rights conferred upon workers' and employers' organizations must be based on respect for civil liberties, as their absence removes all meaning from the concept of trade union rights. With reference to its previous comments and the 406th Report (March 2024) of the Committee on Freedom of Association (CFA) on Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry, the Committee considers that the failure of the Government to acknowledge, address and redress very serious allegations of violation of civil liberties; or to act on the repeated specific requests of the ILO supervisory bodies, including those made by this Committee; or to provide information beyond that which had been already examined by this Committee, as well as by other ILO supervisory bodies and the Governing Body, together reinforces the reality of wilful Government non-compliance with its obligations stemming from its membership in the Organization. ***In these circumstances, the Committee firmly urges the Government to immediately release all trade union leaders and members arrested for participating in peaceful assemblies or for exercising their civil liberties pursuant to their legitimate trade union activities, and to drop all related charges. The Committee requests the Government to provide detailed reply to all allegations outlined above. With reference to the Conference Committee conclusions and the decision of the Governing Body at its 352nd Session, the Committee requests the Government with the utmost urgency to accept: (i) an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists to assess their health and offer medical assistance, as necessary; and (ii) an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention.***

Application of the Convention. The Committee recalls that the outstanding issues of the application of the Convention relate to the following concerns, all of which were raised by the Commission of Inquiry: (1) right to establish workers' organizations, which includes the issue of legal address and the right, in practice, to form trade unions outside the Federation of Trade Unions of Belarus (FPB); (2) the right of workers' organizations to receive and use foreign gratuitous aid (funding obtained from abroad); (3) the right, in law and in practice, to demonstrate and hold mass events; (4) the right to strike; (5) consultation with organizations of workers and employers; and (6) labour disputes resolution system. The Committee observes with ***deep regret*** the absence of information on the concrete measures taken

by the Government to give effect to the Committee's previous requests aimed at addressing these concerns. Instead, the Government merely reiterates the information it has previously provided and points to a lack of contradiction between national law and practice and the Convention. ***The Committee is therefore bound once again to urge that the Government take measures to amend without further delay Decree No. 3 (on receiving and using foreign gratuitous aid), the Law on Mass Activities and the accompanying Regulation, as well as section 342-2, 369, 369-1 and 369-3 of the Criminal Code providing for restrictions on mass events and associated penalties, in order to bring them into compliance with the Government's international obligations regarding freedom of association. It also once again urges the Government to take measures to revise sections 388(1), (3) and (4), 390, 392 and 393 of the Labour Code restricting the right to strike; as well as section 42(7), which expressly allows an employer to dismiss or terminate a labour contract with a worker who is absent from work in connection with serving an administrative penalty in the form of an administrative arrest; a worker who forces other workers to participate in a strike or calls on other workers to stop performing work duties without sound reason; or a worker who participates in an illegal strike or other forms of withholding labour without sound reasons. The Committee expects the Government to provide information on all new and concrete steps taken in this regard.***

In its previous comment, the Committee deplored the effect of the dissolution of the BKDP on the work of the National Council on Labour and Social Issues (NCLSI) and of the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (the tripartite Council). In this respect, the Committee noted that with the dissolution of the BKDP, the only representation of workers' voice in these structures was now the FPB, which enjoyed the publicly expressed support from State authorities at the highest level, and whose independence from the authorities was questionable. In these circumstances, the Committee questioned the continuing legitimacy of the NCLSI and the tripartite Council. Considering that the development of free and independent organizations and their involvement in social dialogue is indispensable to enable a government to confront its social and economic problems and resolve them in the best interests of the workers and the nation, the Committee urged the Government to take steps to review the situation of the dissolved trade unions in this light so as to ensure that they may again function. The Committee notes with ***deep concern*** the Government's indication that the BKDP and trade unions that were part of it have no legal existence in Belarus and the absence of any measures taken to review the situation of the dissolved trade unions so as to ensure that they may again function and fully participate in national tripartite bodies. ***The Committee reiterates in the strongest terms its previous requests and expects the Government to indicate concrete steps taken to that end.***

While noting the information provided by the Government on the FPB being the only national trade union centre, the Committee notes the 2024 report of the Special Rapporteur on the situation of human rights in Belarus, which provided an overview of major concerns regarding human rights in Belarus between 1 April 2023 and 31 March 2024 and focused on the right to freedom of association, revealing a targeted eradication of all independent associations in Belarus since 2021, which affected civil society organizations and initiatives, including trade unions. In its conclusions and recommendations, "[a]cknowledging the lack of independence of the FPB, the Special Rapporteur recommend[ed] suspending its participation in the International Labour Conference". The Committee also notes the BKDP indication that the FPB continued to demonstrate strong affiliation with the Government and lack of independence. Events of an ideological and propaganda nature were regularly held at Belarusian enterprises with the participation of the management, leaders of the FPB-affiliated trade unions, Government officials and law enforcement officers. According to the BKDP and the ITUC, the FPB trade unions had recently held a "celebration" of the 30th anniversary of Alexander Lukashenko's tenure in power; one of its unions, "Belkhimprofsoyuz" conducted excursions to Lukashenko's places of birth and life before becoming the President. The Committee notes that the ILO Governing Body requested the Director-General to bring to the attention of the Credentials Committee

of the International Labour Conference at the 113th Session, the information noted and discussed by the Governing Body at its 352nd Session (October–November 2024), so that it might take it into account in its monitoring of the nomination of the Workers' delegation of Belarus as decided by the Conference at its 112th Session (2024) and in the examination of any new objection concerning the subject.

The Committee previously noted that Law No. 225-Z of 12 December 2022 on employers' associations provided for the notion of a "confederation of employers of the Republic of Belarus", defined as the most representative employers' organization. The Committee observed that two employers' organizations were members of the tripartite Council and were signatories of the General Agreement and requested the Government to indicate the impact of the certification of one employers' organization as confederation under the Law on the membership of the tripartite Council. The Committee notes the Government's indication that according to the Law, an "Employers' Confederation of the Republic of Belarus", as the most representative national employers' association, is to coordinate the activities of employers' associations within the social partnership system. A national employers' association to which more than half of the national employers' associations operating in Belarus belong, is to be recognized as the Employers' Confederation of the Republic of Belarus. The Government informs that Resolution No. 29 of the Ministry of Labour and Social Protection of 29 August 2023 was adopted in implementation of the Law. The Resolution sets out, among others, instructions on the arrangements for adopting a decision to recognize a national employers' association as an Employers' Confederation of the Republic of Belarus. The Government indicates that at present, both the Confederation of Industrialists and Entrepreneurs (Employers) and the Professor M.S. Kuniavsky Business Union of Entrepreneurs and Employers are included in the register of employers' associations as national associations. No decision to recognize any national employers' association as the Employers' Confederation of the Republic of Belarus has yet been taken. Both national employers' associations are represented on the NCLSI and the tripartite Council and play an active role in drafting the new General Agreement between the Government and national employers' and trade union associations for 2025–27, although only the most representative association is entitled to sign an agreement, which currently is the Confederation of Industrialists and Entrepreneurs (Employers). ***The Committee requests the Government to provide a copy of the above-mentioned Resolution No. 29 of 29 August 2023 and to inform it of any decision on certification of an association as an Employers' Confederation.***

The Committee ***deplores*** the total lack of progress in implementing the recommendations of the 2004 Commission of Inquiry and in addressing the outstanding recommendations of the ILO supervisory bodies, and similarly ***deplores*** the continuing deterioration of freedom of association in the country. ***The Committee once again urges the Government to engage with the ILO with a view to fully implementing all outstanding recommendations of the ILO supervisory bodies without further delay.***

The Committee notes that the Conference Committee expected that the ILO Director-General would appoint a special envoy to: (1) oversee all activities relevant to ensuring the prompt and effective implementation of the recommendations of the Commission of Inquiry and to that end, engage with all the relevant stakeholders, including the Government and UN agencies; and (2) systematically and regularly report to the Governing Body on the work he or she has conducted with a view to ensuring the implementation of the Conference resolution. ***While noting that the Government has not yet expressed its willingness to cooperate in this regard, the Committee encourages the Government to cooperate with the special envoy towards the implementation of the recommendations of ILO supervisory bodies as it firmly believes that a concerted effort on the part of the Government in this respect will be beneficial to Belarussian society as a whole.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1956)

Previous comment

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

Follow-up to the recommendations of the Commission of Inquiry appointed under article 26 of the Constitution of the ILO

The Committee recalls that in its June 2023 Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus, the International Labour Conference urged the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gathering information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention. The Conference decided to hold at its future sessions a special sitting of the Committee on the Application of Standards of the International Labour Conference (Conference Committee) for the purpose of discussing the application of the Convention by the Government and the implementation of the recommendations of the Commission of Inquiry, so long as the Government has not been shown to have fulfilled its obligations.

The Committee takes note of the conclusions adopted by the Conference Committee in June 2024 following the discussion on the application of Conventions Nos 87 and 98. The Committee ***deplores*** the continuing deterioration of freedom of association in the country, as detailed in its comment on the application of Convention No. 87, and notes with ***deep regret*** that in its report, the Government once again merely reiterates the information it had previously provided and indicates that the legislation and practice are in compliance with the Convention. ***With reference to its comment on the application of Convention No. 87, the Committee once again urges the Government to engage with the ILO with a view to fully implementing all outstanding recommendations of the ILO supervisory bodies without further delay. In this respect, the Committee urges the Government to receive without further delay an ILO tripartite mission with a view to assessing the situation, as requested by the Conference Committee.***

Belize

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1983)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 3 of the Convention. Compulsory arbitration. In its previous comments, the Committee requested the Government to amend the Settlement of Disputes in Essential Services Act 1939 (SDESA), which empowers the authorities to refer a collective dispute to compulsory arbitration to prohibit a strike or to terminate a strike in the banking sector, civil aviation, port authority, postal services, social security scheme and the petroleum sector, i.e. services that are not essential in the strict sense of the term. The Committee notes with ***regret*** the Government's indication that the SDESA has not been amended. ***The Committee therefore reiterates its long-standing request and urges the Government to provide information on the steps taken, in consultation with the social partners, to amend the Schedule to the SDESA in order to ensure that compulsory arbitration or a prohibition on strikes is permitted only in services that are essential in the strict sense of the term – that is those the interruption of which would endanger the life, personal safety or health of the whole or part of the population.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1983)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 1 and 3 of the Convention. Protection against acts of anti-union discrimination. In its previous comments, the Committee recalled allegations by the International Trade Union Confederation (ITUC) of anti-union discrimination in the banana plantation sector and in export processing zones and requested the Government to ensure that the competent authorities take fully into account in their control and prevention activities the issue of anti-union discrimination, and that the workers in the country are fully informed of their rights regarding this issue. The Committee notes that the Government states that no acts of anti-union discrimination were denounced to the authorities in the above-mentioned sectors during the reporting period (July 2017 to June 2021). The Committee also notes the Government's indication that its Labour Department has been closely monitoring these sectors by conducting inspections of workplaces to ensure that workers are adequately protected, including against acts of anti-union discrimination in respect of their employment. ***While it welcomes the information provided regarding the conduct of labour inspections, the Committee requests the Government to take all the necessary measures to ensure that Belizean workers are fully informed of their rights with respect to anti-union discrimination. The Committee requests the Government to provide information on any developments in this regard and to continue reporting on any statistics concerning the anti-union discrimination acts reported to the authorities.***

Article 4. Promotion of collective bargaining. In its previous comments under the Collective Bargaining Convention, 1981 (No. 154), the Committee raised the need to amend section 25 of the Trade Unions and Employers' Organizations (Registration, Recognition and Status) Act (TUEOA), which provides that the tripartite body entrusted with the certification of the representative trade unions may, before granting any certification to a trade union, include additional employees to the bargaining unit, or exclude some employees therefrom in order to render the unit more appropriate. The Committee notes that the Government states that section 25 of the TUEOA was not amended but that discussions continue at the Labour Advisory Board and the Tripartite Body regarding the TUEOA, which is likely to be amalgamated with the Trade Unions Act. ***Taking note of the above, the Committee requests the Government to take the necessary measures to ensure that objective and pre-established criteria for the certification of the representative trade unions are provided under the new legislation. The Committee requests the Government to provide information of any progress made in this regard and to provide a copy of the text once adopted.***

The Committee previously requested the Government to continue promoting social dialogue in order to bring section 27(2) of the TUEOA, which stipulates that a trade union may be certified as the bargaining agent if it is supported by at least 51 per cent of employees, into conformity with the Convention. The Committee notes that the Government states that no agreement was reached on any legislative changes in this regard, but that discussions continue at the Tripartite Body and the Labour Advisory Board regarding a proposed new Trade Union and Employers' Organizations Act which would amalgamate the Trade Unions Act and the TUEOA. The Committee recalls that the requirement of too high a percentage for representativity to be authorized to engage in collective bargaining may hamper the promotion and development of free and voluntary collective bargaining within the meaning of the Convention (2012 General Survey on the fundamental Conventions, paragraph 233). Noting the Government's indication that ten collective agreements covering a total of 1592 workers were concluded between 2007 and 2021, the Committee considers that the very low coverage of collective agreements in the country could appear to be related to the restrictive requirements to engage in collective bargaining contained in the legislation. In this regard, the Committee also recalls that under a system of the designation of an exclusive bargaining agent, if no union represents the required percentage of workers to be declared the exclusive bargaining agent, collective bargaining rights should be granted to all the unions in the unit, at least on behalf of their own members (2012 General Survey on the fundamental Conventions, paragraph 234). ***The Committee requests the Government to take the necessary measures, within the framework of the discussions concerning the proposed new Trade Union and Employers' Organizations Act, to bring its legislation into line with the***

Convention with respect to the representativity of bargaining agents. The Committee requests the Government to provide information on any developments in this regard and reminds it of the possibility to avail itself of ILO technical assistance.

Promotion of collective bargaining in practice. As already mentioned above, the Committee notes that the Government reports that the ten collective agreements reached between 2007 and 2021 were concluded in the energy, public services, port, communications, banking, food and municipal sectors, and that five of these agreements, including one which was renewed, were still in force at the end of the reporting period. ***The Committee requests the Government to continue providing information on the number of collective agreements signed and in force in the country, the sectors concerned and the number of workers covered by these agreements, and to report on any measures taken to promote the full development and utilization of collective bargaining under the Convention.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Cambodia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1999)

Previous comment

The Committee notes the Government's reply to the 2021 and 2023 observations of the International Trade Union Confederation (ITUC). It also takes note of the observations of the International Organisation of Employers (IOE) received on 30 August 2024 in which it reiterates the comments made to the Conference Committee on the Application of Standards (hereinafter the Conference Committee) in June 2024 on the application of the Convention by Cambodia. The Committee also notes the observations of the ITUC received on 17 September 2024 expressing its deep concern about the widespread anti-union climate which prevails in the country and the persistence of long-standing legal and practical obstacles to the exercise of freedom of association. The ITUC alleges that workers' rights under the Convention continue to further deteriorate, and that the Government has failed to take action on the many issues that have been raised by the ILO supervisory bodies. The Committee notes that these observations refer to serious issues that are examined below.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion held in the Conference Committee at the 112th Session of the Conference (2024) and observes that, after noting the long-standing nature of this case and deeply regretting the lack of timely reporting by the Government on the application of the Convention to the Committee, the Conference Committee urged the Government to:

- take all necessary measures to prevent the arbitrary arrest, detention and prosecution of trade unionists for undertaking legitimate trade union activity;
- conclude the ongoing investigations into the murders of trade union leaders Chea Vichea and Ros Sovannareth (in 2004) and Hy Vuthy (in 2007) and expedite the investigations of all other allegations of violence perpetrated against trade unionists;
- review the list of pending cases related to the January 2014 demonstrations with the trade unions concerned;
- ensure that no criminal charges or sanctions are imposed in relation to the peaceful exercise of trade union activities and that trade unionists detained for undertaking legitimate trade union activity are immediately released;
- develop guidelines and provide regular and systematic training to all relevant public officers with a view to ensuring that legitimate trade union activity is not suppressed;

- take further appropriate measures to facilitate registration of trade unions through a simple, objective and transparent process;
- promote the effective enjoyment of the rights under the Convention by civil servants, including public sector teachers, and by domestic workers and workers in the informal economy;
- amend sections 17 and 27 of the Law on Trade Unions (LTU), so that audits to the financial statements and activity reports are only required if there are serious grounds for believing that the actions of an organization are contrary to its rules or to the law;
- amend the relevant provisions of the LTU to ensure that workers' or employers' organizations can only be dissolved on the basis of the procedures laid down by their statutes, or by a court ruling, and that the determination of the procedures for dissolution by members is left to the trade unions' or employers' associations own rules and by-laws;
- take appropriate measures to ensure that all trade unions have the right to represent their members in collective disputes in grievance proceedings at the enterprise level and the ministerial level, as well as before the Arbitration Council;
- increase efforts to make the Arbitration Council an effective and sustainable institution in handling labour disputes.

The Conference Committee also requested the Government to fully implement the road map and simplify its progress report on the implementation of the 2022 direct contacts mission's recommendations, in full consultation with the social partners and with the support of the ILO. It also noted the willingness of the Government to cooperate with the ILO and invited it to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

The Committee notes the Government's detailed report indicating that the Ministry of Labour and Vocational Training (MLVT) has requested technical assistance and support from the ILO on the implementation of the Conference Committee's recommendations concerning: (i) the guidelines for national police officers on how to respond to peaceful strikes and demonstrations; (ii) training for national police officers on the said guidelines; and (iii) the effective implementation of the recommendations through a tripartite mechanism. The Government indicates that it has decided to update the composition of the "National Committee on Reviewing the Application of International Labour Conventions Ratified by Cambodia" (NCRILC) so that it would become a tripartite mechanism to implement the recommendations made by the Conference Committee in 2024 and the direct contacts mission in 2022. The Government indicates that the NCRILC met on 1 August 2024 with the participation of the ILO to discuss concrete steps for an effective implementation of the said recommendations. The Committee welcomes the Government's indications and request for ILO technical assistance, which it notes will be provided soon. ***The Committee urges the Government to adopt as soon as possible, in consultation with the social partners, each and every measure that it has been urged to take by the Conference Committee. The Committee expresses its firm hope that the technical assistance of the Office will contribute to progress in the adoption of specific, effective and time-bound measures, in consultation with the social partners, in order to bring the legislation and practice into conformity with the Convention with regard to the points set out below.***

Trade union rights and civil liberties

Murders of trade unionists. In its previous comment, the Committee firmly urged the competent authorities to take all necessary measures to expedite the ongoing investigations into the murders of trade union leaders Chea Vichea and Ros Sovannareth (in 2004) and Hy Vuthy (in 2007) and to bring to justice the perpetrators and instigators of these crimes. The Committee notes the Government's indication that although no suspect has yet been arrested in connection with the murder of trade union leader Chea Vichea, a progress report on a new investigation into the murder, prepared by the Phnom Penh Municipal Police Commissariat, was submitted to the Prosecutor of the Phnom Penh Municipal Court of First Instance on 5 June 2024 and is currently under consideration by the Prosecutor. The

Government also reiterates that: (i) Thach Saveth was sentenced in 2019 to 15 years of imprisonment for the premeditated murder of Ros Sovannareth; and (ii) Chan Sophon, arrested in September 2013 for the murder of Hy Vuthy was released on appeal in 2014 and the other suspect, sentenced in absentia, Phal Vannak, is under arrest warrant issued by the Phnom Penh Court of First Instance. The Committee notes that in its examination of Case No. 2318, the Committee on Freedom of Association (CFA) urged the Government to take all necessary measures to expedite the process of investigation into the murders of the trade unionists and to provide a copy of the various court's decisions as well as details of the investigations brought before the courts and which led to the convictions (see 405th Report, March 2024). ***In the same way as the Conference Committee and the CFA, the Committee urges the Government to conclude the ongoing investigations and bring to justice the perpetrators and instigators of the crimes. The Committee requests the Government to provide detailed information on the results of the investigations and to report on meaningful progress, including on the results of the new investigation into the murder of trade union leader Chea Vichea, which is currently under review by the Public Prosecutor.***

Incidents during the January 2014 demonstrations. In its previous comment, having noted the recommendations made by the direct contacts mission in 2022, the Committee urged the Government to review with the trade unions concerned the list of pending legal procedures against trade unionists in relation to the January 2014 demonstrations and to provide detailed information on each and every case of criminal prosecution. The Committee notes that the Government indicates that: (i) the charges against the six trade union leaders who were involved in the riots were dropped by the Court of Appeals; (ii) an Inter-ministerial working group has been established to provide legal support to trade unionists involved in any pending court case; and (iii) the MLVT has sent a letter to the Cambodian Labour Confederation (CLC) requesting it to confirm whether there were any pending cases related to the incident in January 2014 and on a letter dated 26 August 2024 the CLC confirmed that there were no pending cases. The Committee notes, however, the ITUC indication that there is still a discrepancy between the list of legal proceedings kept by the trade unions and that kept by the MLVT. ***The Committee urges the Government to further review with all other trade unions concerned the list of pending legal procedures against trade unionists and to provide detailed information on any cases of criminal prosecution or persons still in prison in relation to the January 2014 demonstrations.***

Violence, intimidation, arrest and imprisonment of trade unionists for carrying out peaceful industrial action. Training of police forces in relation to industrial and protest action. Having noted with deep concern the ITUC's allegations of ongoing arrests of workers involved in a dispute with a casino operation, a matter raised before the CFA (Case No. 3424), the Committee urged the Government to ensure that all trade unionists detained for undertaking legitimate trade union activity were immediately released. The Committee also requested the Government to provide detailed information on: (i) measures taken, including through the development of guidelines, to ensure that peaceful industrial action is not repressed; (ii) progress made to ensure regular and systematic training programmes of labour inspectors, labour dispute officers, police officers, workers and employers, as recommended by the direct contacts mission; and (iii) the number of police officers trained, the duration of the training, the subjects covered and whether disciplinary consequences for the use of excessive force are also part of the training. The Committee notes the Government's indication that: (i) except for those who committed criminal actions, no trade unionist has ever been arrested or prosecuted for their lawful industrial action; (ii) it is committed to enhancing the capacity building of the law enforcement agencies in promoting freedom of association; and (iii) the MLVT has submitted a request for technical assistance in this respect. While taking note of the Government's indication that no trade unionist has ever been arrested or prosecuted for their lawful industrial action, the Committee notes that the ITUC expresses its deep concern regarding the continuing acts of violence against workers, the arrest of trade unionists in response to their legitimate activities, and the abusive use by the authorities of penal provisions to repress the legitimate and peaceful exercise of trade union activities. The ITUC denounces that trade

unionists are systematically targeted and prosecuted on trumped-up charges that have been upheld by the Supreme Court, mentioning as examples the conviction and imprisonment of Morn Rithy, president of a trade union federation, Chhim Sithar, president of the Labor Rights Supported Union of Khmer Employees of Naga Hotel (LRSU) and another eight trade unionists of the LRSU. The Committee notes that in its latest examination of Case No. 3424, the CFA noted that Chhim Sithar was released from detention in September 2024 after having completed her two-year sentence. Regretting that Chhim Sithar was forced to serve her full sentence, despite the CFA's repeated recommendations, the CFA expressed trust that the LRSU President will be able to freely engage in legitimate trade union activities without any threat to her basic civil liberties or trade union rights. The CFA also expressed trust that any remaining charges against LRSU members have been dropped and, should this not be the case, called on the Government to furnish detailed information on any further actions taken in this regard (408th Report, October 2024). ***With reference to the recommendations of the CFA in that case, the Committee urges the Government to ensure that all trade unionists detained for undertaking legitimate trade union activity are immediately released. The Committee firmly expects that the Government's expressed commitment to enhancing the capacity building of the law enforcement agencies in promoting freedom of association as well as the technical assistance to be provided will contribute to ensuring that peaceful industrial action is not repressed. The Committee requests the Government to provide detailed information on the outcome and impact of the technical assistance provided as well as information on the progress made to ensure regular and systematic training programmes of labour inspectors, labour dispute officers, police officers, workers and employers.***

Legislative issues

Article 2 of the Convention. Rights of workers and employers, without distinction whatsoever, to establish and join organizations. Civil servants and public sector teachers. In its previous comments the Committee urged the Government to take appropriate measures, in consultation with the social partners concerned, to ensure that civil servants – including public sector teachers – who are not covered by the LTU were guaranteed their rights under the Convention, and that the legislation applicable to them was amended accordingly. The Committee ***regrets*** that the Government merely reiterates that: (i) freedom of association is not only exercised through the LTU, but also through other laws such as the Law on Associations and Non-Governmental Organizations (LANGO); (ii) civil servants and public-school teachers can enjoy freedom of association pursuant to the LANGO; and (iii) these different regimes are due to the administrative system and division of authorities of the state institutions in charge of the registration of professional organizations. The Committee is bound to recall once again that some provisions in the LANGO contravene freedom of association rights of civil servants under the Convention, as the law lacks provisions recognizing civil servants' associations' right to draw up constitutions and rules, the right to elect representatives, the right to organize activities and formulate programmes without interference of the public authorities, and the right to affiliate to federations or confederations, including at the international level, and that the law subjects the registration of these associations to the authorization of the Ministry of Interior. The Committee notes that the ITUC recalls that trade union legislation does not apply to civil servants, including public teachers. The Committee also recalls having taken note of the deep concern expressed by workers organizations at the lack of protection of teachers' trade union rights (referring in particular to sanctions and threats to teachers seeking to organize). ***Expressing its regret at the continuing absence of progress, the Committee once again urges the Government to take appropriate measures, in consultation with the social partners, to ensure that civil servants – including public sector teachers – who are not covered by the LTU are fully ensured their freedom of association rights under the Convention, and that the legislation applicable to them is amended accordingly. The Committee requests the Government to provide detailed information on steps taken in this respect.***

Domestic workers. The Committee requested the Government to provide detailed information on the steps taken to promote the full and effective enjoyment of the rights under the Convention by

domestic workers and workers in the informal economy. The Committee recalled that consideration of the adaptation of the legislative framework to expressly enable the formation of unions by sector or profession may facilitate the exercise of the rights under the Convention by those workers. The Committee ***regrets*** that the Government merely reiterates that there is no provision in the LTU that prohibits or restricts domestic workers as well as those working in the informal economy from forming any trade union based on their will as long as they meet the conditions specified in this law. The Government also indicates that it has adopted the National Strategy for Informal Economic Development 2023–28 aimed at promoting protection and strengthening the informal economy and accelerating its transition to the formal economy. While taking note of these indications, the Committee observes that the ITUC once again highlights that domestic workers and workers in the informal economy, and others not organized on an enterprise model, still cannot in practice form and join unions. ***The Committee therefore reiterates its request to the Government to provide detailed information on the steps taken to promote the full and effective enjoyment of the rights under the Convention by domestic workers and workers in the informal economy and recalls that consideration of the adaptation of the legislative framework to expressly enable the formation of unions by sector or profession may facilitate the exercise of the rights under the Convention by those workers. The Committee requests the Government to provide information on all developments in this respect.***

Application in practice. Trade union registration. The Committee requested the Government to take further appropriate measures to facilitate the registration of trade unions through a simple, objective and transparent process in order to address the various practical hurdles to registration. The Committee recalls that the 2022 direct contacts mission had proposed: (i) that it would facilitate the registration process to simplify the registration forms and to ensure that clear instructions are given to Ministry officials that only the requirements that are specifically set out in the law can be requested in order to grant registration; (ii) that all discretionary authority should be eliminated (such as requests to the union to provide the employee list) and training provided, including with ILO technical assistance, to build the capacity of Ministry officials and trade unions in the understanding of expectations in this regard; and (iii) that an online database showing requests for registration, pending issues and final resolution would help the transparency of the process and demonstrate the consistency of application. The Committee notes the Government's indication that: (i) following the promulgation of the LTU and its amendment, capacity building and training on the implementation of the LTU have been provided on an annual basis, including a course on the trade union registration procedure; (ii) training is not only provided to the officials in charge of trade union registration but also to trade union leaders at federation and confederation level; and (iii) a trade union registration database has been developed and it is on the Government's agenda to create a digital platform for trade union registration. The Government also indicates that, as of July 2024, there are 6,396 professional organizations registered (6,062 are local worker unions, 280 federations of worker unions, 42 confederations of worker unions and 12 employer associations), which is a 79.39 per cent increase compared to the number of professional organizations before the adoption of the LTU in 2016. While taking due note of the Government's indications, the Committee notes that the ITUC stresses that in practice workers still experience significant obstacles in the trade union registration process and that despite some progress made in the number of trade unions registered between 2016 and 2024, registering a trade union and maintaining registration are still conditioned by particularly burdensome requirements. ***The Committee emphasizes the need to take further appropriate measures to address the various practical hurdles to registration and encourages the Government to avail itself of ILO technical assistance in this regard, including in relation to the setting up of an online database which would help the transparency of the process and demonstrate the consistency of application.***

Articles 2 and 3. Financial audit and maintenance of registration. The Committee observed that the 2019 amendments to the LTU introduced: (i) a new section 27 requiring organizations to have the financial statements audited by an independent firm if so requested by any donor or by a percentage

of its members (10 per cent for local unions and five per cent for federations or confederations); and (ii) a new section 17 on maintenance of registration, requiring the audit of annual financial statements and activity reports by an independent audit firm if so requested by either any donor or by a percentage of its members (10 per cent for local unions and five per cent for federations or confederations). Observing that these provisions could subject unions to the threat of frivolous audit requests, which would entail an onerous burden to maintain registration, the Committee requested the Government, in consultation with the social partners concerned, to revise the said sections of the LTU, so that audits to the financial statements and activity reports are only required if there are serious grounds for believing that the actions of an organization are contrary to its rules or to the law. The Committee notes that the Government indicates that: (i) the LTU and its amendment are the outcomes of a comprehensive tripartite consultative process under the technical support from the ILO; and (ii) financial reports are not submitted to the MLVT; the development of financial reports is only for the members and donors and is usually done as part of their accountability. While taking note of the Government's indications, the Committee notes that the ITUC stresses that the financial auditing obligations can constitute disproportionate obstacles to the exercise of freedom of association. The Committee also observes that failure to comply with the requirements of new section 17 renders the trade union liable to revocation of registration upon the filing of a lawsuit by the MLVT to the Labour Court under section 18 of the LTU. ***The Committee therefore reiterates its request to the Government to revise, in consultation with the social partners concerned, the said sections of the LTU so that audits to the financial statements and activity reports are only required if there are serious grounds for believing that the actions of an organization are contrary to its rules or to the law.***

Article 3. Right to elect representatives freely. Requirements for leaders, managers, and those responsible for the administration of unions and of employer associations. The Committee and the Conference Committee (2021) requested the Government to take the necessary measures to amend sections 20, 21 and 38 of the LTU to remove the requirement to read and to write Khmer from the eligibility criteria of foreigners. The Committee ***regrets*** that the Government reiterates that the LTU was amended through tripartite consensus and that the requirement is not incompatible with the Convention. The Committee observes that no further information has been provided on the consultations. ***Recalling once again that the legal imposition of literacy requirements for the eligibility of representatives is incompatible with the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 104), the Committee reiterates its request to the Government to take the necessary measures to remove the requirement to read and to write Khmer from sections 20, 21 and 38 of the LTU.***

The right of workers' organizations to organize their activities and formulate their programmes. In its previous comments, the Committee referred to the need to amend section 326(1) of the Labour Law whereby, in the absence of agreement between the parties on the minimum service in an enterprise for the protection of the facility installations and equipment where a strike is taking place, the MLVT is empowered to determine the minimum service in question. The Committee also requested the Government to provide information on the application in practice of section 326(2) of the Labour Law, in particular any example of the sanctions imposed on workers for serious misconduct. The Committee notes that the Government reiterates that an agreement should be reached between the employers and the workers on required minimum services prior to going on strike and that if it is not the case, it then falls on the MLVT to set the required minimum services. The Government also indicates that no sanctions of serious misconduct have ever been imposed unless the strike is declared illegal by the Court and the strikers do not resume working within 48 hours as ordered by the Court. The Government indicates that ILO technical assistance is necessary to establish the regulation concerning the required minimum services. ***The Committee reiterates the need to amend section 326(1) and strongly encourages the Government to avail itself of the technical assistance of the Office in this regard.***

The Committee notes that the ITUC continues to denounce, as common practices, the replacement of workers and the granting of injunctions to preclude industrial action, even when all the procedures had been followed by the unions. The Committee recalls once again the conclusions of the direct contacts mission concerning the need to clarify the role of the Committee on Strike and Demonstration in labour dispute resolution and ensure that it does not restrict the legitimate right of workers' organizations to engage in industrial action in defence of their members' interests. The Committee notes the Government's indication that the Committee on Strike and Demonstration ensures an effective implementation of the relevant laws and regulations. The Government also indicates that ILO technical assistance is welcomed in this regard. ***The Committee reiterates its request that the Government hold a comprehensive tripartite dialogue on the issues raised concerning the legality of the exercise of industrial action, with a view to reviewing existing regulations and their application in practice and undertaking any necessary measures to guarantee the lawful and peaceful exercise of the right to strike, and encourages the Government to avail itself of the technical assistance of the Office in this regard.***

Article 4. Dissolution of representative organizations. The Committee requested the Government to take the necessary measures to amend section 28 of the LTU by repealing section 28(2), which provides that a union is automatically dissolved in the event of a complete closure of the enterprise or establishment, and to ensure that workers' or employers' organizations should only be dissolved on the basis of the procedures laid down by their statutes, or by a court ruling. The Committee ***regrets*** that the Government reiterates that the amendment was made to ensure the interests of workers and trade unions when the enterprise is closed down, that the amendment was thus welcomed by the unions, and that as local unions are legally attached to the existing enterprise where they are formed, when that enterprise no longer legally exists the local union should no longer exist either. The Committee is bound to recall once again that, while the payment of wages and other benefits may be one reason why a union may have a legitimate interest to continue to operate after the dissolution of the enterprise concerned, there may be additional legitimate reasons for it to do so (such as defending other legitimate claims, including against any legal successors of the former company). ***Recalling that the dissolution of a workers' or employers' organization should only be decided under the procedures laid down by their statutes, or by a court ruling, the Committee reiterates its request to the Government to take the necessary measures to amend section 28 of the LTU accordingly by fully removing its paragraph 2.***

Grounds to request dissolution by the Court. The Committee has been requesting the Government to take the necessary measures to amend section 29 of the LTU, which affords any party concerned or 50 per cent of the total of members of the union or the employer association the right to file a complaint to the Labour Court to request a dissolution. Observing that the 2019 amendments to the LTU did not modify the provision in question and noting that members can always decide to leave the union, the Committee recalled that the manner in which members may request dissolution should be left to the organization's by-laws. The Committee notes the Government's indication that under new section 29 of the LTU, the court may dissolve a trade union on the two following grounds: if the formation or nature of activities of the professional organization contravenes the law or the objective of the professional organization as stipulated in its statute, or if a worker trade union is no longer independent from the employer and is unable to restore its independence. ***Recalling once again that the manner in which members may request dissolution should be left to the organization's by-laws, the Committee reiterates its request to the Government to take the necessary measures to amend section 29 of the LTU so as to leave to the unions' or employers' associations own rules and by-laws the determination of the procedures for their dissolution by their members.***

Noting that the Government has requested technical assistance for the effective implementation of the recommendations through a tripartite mechanism, the Committee trusts that this assistance will be provided shortly to bolster inclusive tripartite dialogue in relation to all the above matters and requests to be kept informed of developments.

Practical application

Independent adjudication mechanisms. In its previous comments, the Committee took note of the ITUC's concerns regarding the functioning of independent adjudication mechanisms, such as the Arbitration Council (AC) and referred to the refusal of the MLVT to allow upper-level trade unions to represent or provide support to their members in collective disputes. The Committee also noted from the conclusions of the direct contacts mission that there were several complaints regarding the classification of disputes before the AC, such as the classification of termination of a trade union officer as an individual dispute, preventing that specific allegation from being heard. Emphasizing the importance of the independence of adjudication mechanisms, the Committee requested the Government to provide detailed information on any evolution in the functioning of the AC, and to include statistics on the number and nature of disputes brought before it and the extent of compliance with non-binding AC awards, as well as on any court rulings to ensure that the AC awards, when binding, are duly enforced. The Committee notes that the Government indicates that: (i) it is committed to supporting the institutionalization of AC as a more credible, transparent, and financially sustainable tripartite mechanism for labour dispute settlement; (ii) a series of tripartite workshops have been organized to review the functioning and readiness of the AC to consider individual disputes in the near future; (iii) the MLVT has had several meetings with the AC Foundation and other stakeholders regarding the provision of new locations, the strengthening of the capacity of arbitrators, and the contribution to support the operation of the institution; and (iv) from 2019 to July 2024, 314 collective labour disputes were referred to the AC: 255 cases were represented by the minority trade unions; 38 cases were represented by the bargaining council, a committee formed by workers to represent them in the dispute, and 21 cases were represented by the most representative trade unions. The Government also indicates that the Labour Law, as amended in 2021, has empowered the Labour Inspector as a judicial police officer tasked with examining offences to ensure the enforcement of the Labour Law, including the binding arbitral awards. ***Taking note of the commitment to strengthening the AC, the Committee requests the Government to ensure that any evolution in the functioning of the AC takes place only after full and meaningful consultations with all parties and stakeholders. The Committee also requests the Government to provide information on the impact of the Labour Law as amended.*** The Committee recalls in this regard the strong recommendation of the direct contacts mission that urgent action be taken to recruit and train new arbitrators and that union confederations and federations be able to represent their members without requiring prior approval from the MLVT. ***The Committee once again requests the Government to provide detailed information on any evolution in the functioning of the AC, and to include statistics on the number and nature of disputes brought before it and the extent of compliance with non-binding AC awards, as well as on any court rulings to ensure that the AC awards, when binding, are duly enforced.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1999)

Previous comment

The Committee takes note of the Government's reply to the 2020 and 2023 observations of the International Trade Union Confederation (ITUC) in relation to matters examined in this comment. The Committee recalls that in its 2020 observations, the ITUC indicated that the 2019 amendments to the Trade Unions Law (LTU) failed to address key demands to bring the law into conformity with the Convention. The Committee notes that the Government indicates that the amendments were the result of a series of comprehensive tripartite consultative processes with ILO technical support.

In its previous comments, having noted the ITUC's allegations of union busting practices in the garment and footwear industries and the extended use of short-term contracts to terminate employment of trade union leaders and members and weaken active trade unions, the Committee requested the Government to ensure that all measures are taken to monitor, in consultation with the

social partners, that fixed-term contracts are not used for anti-union purposes, including through their non-renewal. The Committee notes that the Government reiterates that: (i) the LTU provides remedies for both dismissal and non-renewal of fixed-term contracts due to anti-union discrimination and, if verified, the labour inspectors instruct the employer to reinstate the workers or impose a substantial fine; (ii) the Ministry of Labour and Vocational Training (MLVT) conducted consultations with the social partners and other actors, such as the Arbitration Council, and a common understanding was reached that the maximum duration of fixed-term contracts would be four years and, if exceeding this maximum period, the contract would be considered as having unfixed duration; and (iii) this was reflected in an Instruction on determination of the type of employment contract, issued by the MLVT on 17 May 2019. The Government also indicates that, while the MLVT found that the employment contract termination of seven workers of a footwear company were not related to neither discrimination nor unfair dismissal, it found that the termination of contract of three workers of a garment company was due to discrimination and on 4 May 2022 issued an order to reinstate them. ***While taking due note of the information concerning ten workers, the Committee, recalling the various allegations made over the years about the extended use of fixed-term contracts for anti-union purposes, reiterates its request to the Government to ensure that wide-ranging measures are taken to monitor, in consultation with the social partners, that fixed-term contracts are not used for anti-union purposes, including through their non-renewal.***

Articles 1 and 3 of the Convention. Adequate protection against anti-union discrimination. For many years, several workers' organizations, in particular the ITUC, have denounced serious and numerous acts of anti-union discrimination in the country. The Committee requested the Government to provide detailed information on the handling of the allegations of anti-union discrimination made in 2014, 2016 and 2019 and reminded the Government of the need to take all necessary measures to ensure that allegations of anti-union discrimination are investigated by independent organs that enjoy the confidence of the parties and that, whenever such allegations are verified, adequate remedies and sufficiently dissuasive sanctions are applied. The Committee notes that the Government indicates that: (i) non-discrimination of workers in employment is addressed in article 12 of the Labour Law and article 6 of the LTU; (ii) the MLVT is strongly committed to eradicating all forms of discrimination and is willing to collaborate with other stakeholders to take serious action on this matter; (iii) trade unions and their members can file complaints with the MLVT; and (iv) the MLVT met with representatives of the Cambodia Labour Confederation (CLC) on 25 April 2023 to follow-up on 44 cases before the courts involving their members (11 have been resolved with acquittal of charges and 8 cases have received verdicts from the Provincial and Municipal Courts of First Instance). The Government also indicates that the MLVT organizes regular meetings with the social partners to hear and address concerns and that it welcomes all requests for collaboration to address acts of anti-union discrimination. While taking note of the Government's indications, the Committee recalls that its comments refer to the need to ensure that allegations of anti-union discrimination, such as the ones referred to by the ITUC in its observations, are investigated by independent organs that enjoy the confidence of the parties and that whenever such allegations are verified, adequate remedies and sufficiently dissuasive sanctions are applied. The Committee notes in this respect that in its report concerning the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Government indicates that it is committed to supporting the institutionalization of the Arbitration Council (AC) as a more credible, transparent, and financially sustainable tripartite mechanism for labour dispute settlement and that a series of tripartite workshops have been organized to review the functioning and readiness of the AC to consider individual disputes in the near future. ***The Committee reiterates its request to the Government to take all necessary measures to ensure that allegations of anti-union discrimination are investigated by independent organs that enjoy the confidence of the parties and that, whenever such allegations are verified, adequate remedies and sufficiently dissuasive sanctions are applied. The Committee also requests the Government to provide information on any evolution in***

the functioning of the AC, including on the handling of cases of anti-union discrimination. It also requests the Government to provide information on the outcome of the pending court cases related to the members of the CLC.

Furthermore, in its previous comments, the Committee urged the Government to ensure that national legislation provided adequate protection against all acts of anti-union discrimination, such as dismissals and other prejudicial acts against trade union leaders and members, including sufficiently dissuasive sanctions. Having observed that fines for unfair labour practices provided for in the LTU may be a deterrent for small and medium-sized enterprises, but would not appear to be so for enterprises with high productivity and large enterprises, the Committee requested the Government to: (i) provide detailed statistical information on the application of the different mechanisms to protect against anti-union discrimination, including as to sanctions and other remedies effectively imposed, for example reinstatement or compensation; and (ii) assess, in light of such data, and in consultation with the social partners, the appropriateness of existing remedies, in particular the dissuasive nature of sanctions in the LTU or any other relevant laws; and to provide information on any development in this regard. The Committee notes that the Government reiterates that: (i) in addition to the application of the provisions and remedies in the LTU concerning anti-union discrimination (Chapter 15), the LTU acknowledges (section 95) that criminal laws may be applied to punish these actions (violence and discrimination against worker unions being criminal offences under sections 217 and 267 of the Penal Code) and that the employer could thus even face imprisonment, for example if the actions entailed violence; (ii) in addition to the fines imposed by the LTU, those affected can also claim compensation; (iii) the MLVT has never received complaints or grievances from trade unionists regarding existing sanctions; and (iv) the Government is committed to further strengthening the capacity of labour inspectors and raising the awareness of workers on their rights. In relation to the ITUC's allegations that the 2019 amendments to the LTU failed to bring it in conformity with the Convention and arguing in particular that anti-union discrimination sanctions remain far too low to be dissuasive, the Committee notes that the Government indicates that the amendments were the result of a series of comprehensive tripartite consultative processes with social partners, especially with trade unions and employers' associations with the technical support of the ILO. The Committee ***regrets*** to note that the Government has not provided the requested statistical information nor any indication that the requested assessment of the said data with the social partners has taken place. ***The Committee therefore reiterates its previous request and firmly expects the Government to provide the requested statistical information and, in the light of such data, and in consultation with the social partners, to assess the appropriateness of existing remedies, in particular the dissuasive nature of sanctions in the LTU or any other relevant laws; and to provide information on any development in this regard.***

Article 4. Recognition of trade unions for purposes of collective bargaining. In its last comment, the Committee observed that the number of organizations having secured the support of at least 30 per cent of the total workers in the workplace (most representative status (MRS)), as well as the number of collective bargaining agreements (CBAs) concluded for 2018 and 2019 were very low (4 unions with MRS in 2018 and 15 unions in 2019 and 3 CBAs between an employer and an MRS union). The Committee noted that the March 2017 direct contacts mission (DCM) recommended the Government to take the necessary measures, including issuing instructions to the competent authorities, to ensure that MRS are recognized without delay and without the exercise of arbitrary discretion to workers' organizations or coalitions of organizations meeting the minimum threshold. The Committee requested the Government to: (i) provide information on any measures undertaken to address the issues noted by the DCM and to promote the full development and utilization of collective bargaining under the Convention; and (ii) keep on providing information on the number of organizations recognized as having the MRS, and the number of collective agreements in force, indicating the parties that concluded the agreement (in particular, if it is a most representative union, a bargaining council or a shop steward), the sectors concerned, and the number of workers covered by these agreements. The Committee notes that the

Government indicates that following the 2019 amendments to the LTU, the procedures for a worker union to receive the MRS have been simplified to meet more easily the legal requirements to conclude a CBA with the respective employer (section 55 of the LTU (as amended)). The Committee notes that, as part of the amendments, the requirement for obtaining MRS was modified from requiring an accurate list of workers with official membership identification cards to requiring a list of the due-paying members representing 30 per cent or more of the total number of workers in the occupation, economic activity or sector. The Government indicates that the amendment was made to remove the raised hurdle of providing membership identification cards, which was one of the requirements to receive the MRS. The Government further indicates that, following the amendment of the said section of the LTU, the number of MRS trade unions has increased over time, from 525 MRS unions in 2019 to 812 MRS unions in August 2024 and that the number of CBAs also increased from 564 CBAs in 2019 to 632 CBAs as of August 2024. The Committee notes that in its report the Government also indicates that the total number of unions with MRS has been 48 (2019), 47 (2020), 39 (2021), 62 (2022) 36 (2023) and 31 as of July 2024 and that the number of CBAs has been: 4, 12, 9, 11, 19 and 12 in the respective years. ***Given the significant discrepancies between the figures provided and taking into account the very low level of the coverage of collective bargaining at the time of the amendments in the country (1.3 per cent in 2020 according to ILOSTAT), the Committee requests the Government to clarify the exact number of MRS trade unions and the number of CBAs in force in the country. Additionally, observing that the 2022 DCM recommended to the Government that practical hurdles to the recognition of the MRS of trade unions should be rapidly addressed, the Committee requests the Government to continue providing information on the impact of the 2019 amendments of the LTU, including on the number of workers covered by collective agreements as well as any measures taken in relation to the DCM's recommendations and in general to promote the full development and utilization of collective bargaining. The Committee requests the Government to include in its information the sectors concerned and the number of workers covered by the collective agreements in force in the country.***

Articles 4, 5 and 6. Right to collective bargaining of public servants not engaged in the administration of the State. In its previous comment, the Committee once again urged the Government to take the necessary measures to ensure that public servants not engaged in the administration of the State, including teachers, enjoy collective bargaining rights under the Convention. The Committee notes that the Government reiterates that civil servants, including teachers, can form associations in accordance with the Law on Associations and Non-Governmental Organizations (LANGO). The Government also indicates that, as long as they can organize, they can bargain collectively where necessary. The Committee recalls once again that, in addition to the armed forces and the police, only public servants "engaged in the administration of the State" (for example, in some countries, public servants in government ministries and other comparable bodies, and ancillary staff) may be excluded from the scope of the Convention. All other persons employed by the Government, by public enterprises or by autonomous public institutions, should benefit from the guarantees provided for in the Convention and, therefore, enjoy collective bargaining rights by virtue of *Article 6* of the Convention. ***The Committee, therefore, once again urges the Government to take the necessary measures, in consultation with the social partners, to ensure that public servants not engaged in the administration of the State, including teachers, enjoy collective bargaining rights under the Convention. The Committee requests the Government to provide information on any measures taken or envisaged in this regard and to inform about any collective agreement in force in the public sector.***

The Committee recalls the Government that technical assistance of the Office is available in relation to the matters examined in this comment.

Cameroon

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1960)

Previous comment

In its previous comments, the Committee noted the observations of the International Trade Union Confederation (ITUC) concerning repeated police violence against strikers, cases of interference by the authorities in trade union elections, acts of vandalism on trade union premises, and trade union harassment.

The Committee notes with ***deep regret*** that the Government has not provided the requested information in response to reports of anti-union practices which have been highlighted for many years. The Government merely indicates that the allegations in question are too general for it to be able to provide a precise reply. The Committee reminds the Government that it is responsible for taking all the necessary measures to ensure that the competent authorities conduct the necessary investigations into the reported acts of violence and interference, and to take without delay the corrective measures required, if it is proven that the trade union rights recognized in the Convention have been obstructed. ***The Committee once again urges the Government to provide detailed information in this regard.***

Further to its previous comments on the failure to register eight unions of public sector education employees reported by Education International (EI), the Committee recalls that the Government first indicated that this situation had arisen because the post of union registrar was vacant, before indicating subsequently that the process of issuing registration certificates was suspended in order to "clean up the union file". The Committee notes with ***deep regret*** that the Government now indicates that it is unable to provide any suitable response since it does not know which organizations are concerned. ***Recalling that the right to establish trade union organizations must be guaranteed without prior authorization and that any registration procedure must be no more than a formality, the Committee urges the Government to take the necessary steps to ensure the registration of the relevant organizations of public sector education employees.***

Article 3 of the Convention. Act on the suppression of terrorism. In its comments relating to the Act on the suppression of terrorism (Act No. 2014/028 of 23 December 2014), the Committee has drawn the Government's attention on several occasions to the wording of section 2(1), under which "the death penalty shall be imposed on anyone who … commits or threatens to commit any act that may cause death, endanger physical safety, result in bodily injury or damage to property or harm natural resources, the environment or the cultural heritage with the intention of: (a) intimidating the public, causing a situation of terror or forcing a victim, the Government and/or a national or international organization to carry out or refrain from carrying out a given act, to adopt or renounce a particular position or to act according to certain principles; and (b) disrupting the normal operation of public services or the provision of essential public services, or creating a public crisis …". The Committee notes that the Government reiterates that the definition of "terrorist act" stems from the Organization of African Unity (OAU) Convention of 1999 and explains that the provisions of the above-mentioned texts in no way seek to restrict trade unions in the exercise of their activities. However, the Committee recalls that some of the situations covered by the Act of 23 December 2014 might relate to the legitimate exercise of activities by the representatives of trade unions or employers pursuant to the Convention, with particular reference to protest actions or strikes that might have direct repercussions on public services. The Committee also recalls that, in view of the penalty incurred, such a provision might have a particularly intimidating effect on representatives of trade unions or employers expressing views or taking action in the context of their mandates and might undermine trade union action. ***The Committee urges the Government to take the necessary steps to amend section 2 of the Act on the suppression of***

terrorism in such a way that it does not apply to the legitimate activities of workers' and employers' organizations, which are protected under the Convention.

Articles 2 and 5. Legislative reform. The Committee recalls that its previous comments, some of which date back more than 30 years, refer to the need to: (i) amend Act No. 68/LF/19 of 18 November 1968 (under which the legal existence of a trade union or occupational association of public servants is subject to prior approval by the Minister of Territorial Administration); (ii) amend sections 6(2) and 166 of the Labour Code (which lay down penalties for persons promoting a trade union which has not yet been registered and acting as if the said union had been registered); and (iii) repeal section 19 of Decree No. 69/DF/7 of 6 January 1969 (under which trade unions of public servants may not affiliate to an international organization without obtaining prior authorization). The Committee notes with ***deep regret*** that the Government merely indicates that consultations between the Government and the social partners are ongoing with a view to updating the draft new Labour Code and that it does not provide any information in response to the need to amend Act No. 68/LF/19 of 18 November 1968 and repeal Decree No. 69/DF/7 of 6 January 1969. ***Deploring the absence of progress on this matter, the Committee is bound once again to urge the Government to take the necessary measures to complete the legislative revision process without further delay so as to give full effect to the provisions of the Convention on the above-mentioned points which it has been recalling for several decades. The Committee trusts that the Government will show greater cooperation in the future and recalls that the Government can avail itself of the technical assistance of the Office.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1962)

Previous comment

The Committee notes the observations of the General Union of Workers of Cameroon (UGTC), received on 7 December 2023, which relate to issues examined by the Committee in the present comment.

Articles 1 and 2 of the Convention. Adequate protection against acts of anti-union discrimination and interference. In its previous comments, the Committee noted the observations of the International Trade Union Confederation (ITUC), the United Workers' Confederation of Cameroon (CTUC) and the UGTC denouncing acts of anti-union discrimination and interference in numerous sectors.

The Committee notes with ***regret*** that the Government has not provided the expected information on the reports of anti-union practices which have been highlighted for many years. The Government merely indicates in general terms that no acts of discrimination or interference in trade union activities have been observed, and that the allegations of dismissals in the wood industry are too general to enable it to provide any clarification. ***The Committee once again reminds the Government of its responsibility to take time-bound and decisive action to investigate the reported cases of anti-union discrimination and interference, and to take corrective measures without delay and impose appropriate penalties if it is found that the trade union rights established by the Convention have been violated in certain administrations or enterprises. The Committee once again urges the Government to provide detailed information in this regard.***

With reference to the observations received from the UGTC in October 2016 on the worsening of trade union discrimination against the leaders of the National Trade Union of Employees and Managers of Banks and Financial Establishments of Cameroon (SNEGCBEFCAM) within the National Social Insurance Fund (CNPS), the Committee previously noted that a court decision had been handed down in favour of the workers who had been dismissed but that the CNPS had appealed against the decision. ***The Committee urges the Government to provide all relevant information on this matter.***

Article 4. Right to collective bargaining in practice. The Committee notes the Government's indication that the national collective agreement for agriculture and allied activities was signed on 6 January 2023.

In its previous comments, the Committee noted the 2016 observations of the Cameroon Workers' Trade Union Confederation (CSTC) and the 2020 observations of the ITUC alleging that in practice unrepresentative organizations were designated in committees for negotiating national collective agreements and in other institutions. ***The Committee once again requests the Government to provide its comments on these observations and to indicate the measures taken by the authorities to encourage and promote collective bargaining, in accordance with Article 4 of the Convention. The Committee also requests the Government to continue providing information on the number of collective agreements signed and in force, in both the public and private sectors, indicating the sectors concerned and the number of workers covered by the agreements.***

The Committee notes the UGTC's 2023 allegations concerning the collective agreement applicable to the staff of the CNPS. The Committee notes the Government's indication that the CNPS "withdrew" in 2011 from the national collective agreement for banks and other financial establishments, in view of the specific nature of the CNPS and the requirements of the Inter-African Conference on Social Insurance (CIPRES), which resulted in its "disengagement" vis-à-vis the SNEGCBEFCAM. The Committee notes that the UGTC asserts, on the other hand, that the collective agreement for banks remains applicable and that the workers who had recourse to the courts to demand the application of the collective agreement won their case. The Committee also notes the Government's indication that a collective agreement relating to social security is being drafted. ***In view of the conflicting information brought to its attention, the Committee requests the Government to provide any additional information, including any court decisions, relating to the applicability to the CNPS of the collective agreement for banks. The Committee also requests the Government to indicate the mechanism by which the CNPS is bound to this collective agreement, and the procedures for denunciation of the agreement referred to by the Government. The Committee further requests the Government to provide information on the drafting of a collective agreement relating to social security mentioned by the Government.***

Chad

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1960)

Previous comment

The Committee notes with ***deep regret*** that the Government has not provided any comments on the observations of the International Trade Union Confederation (ITUC) of 1 September 2016, which relate to the legal procedures governing the right to strike, cases of serious violations of trade union and fundamental rights and the determination of essential services. ***The Committee urges the Government to reply to these observations.***

Articles 2 and 3 of the Convention. Labour Code. The Committee recalls that on many occasions it has requested the Government to take measures to amend sections 294(3) and 307 of the Labour Code with a view to recognizing the trade union rights of minors who have reached the statutory minimum age to enter the labour market in accordance with the Labour Code (14 years), either as workers or apprentices, without the intervention of their parents or guardians, and to limiting monitoring by the public authorities of the finances of trade unions to the requirement to submit periodic reports. The Committee notes the Government's reply, according to which the Act to issue the Labour Code has been revised and that Committee's concerns have been taken into account. However, the Committee ***regrets*** that the Government has not provided further information on the adoption of the legislation referred to above. ***The Committee expects that the Labour Code will be promulgated in the near future and that it will give full effect to the provisions of the Convention on the points referred to above. It requests the Government to provide a copy of the text that is adopted.***

The Committee is raising other matters in a request addressed directly to the Government.

Labour Relations (Public Service) Convention, 1978 (No. 151) (ratification: 1998)

Previous comment

Article 1 of the Convention. Scope of application. In its previous comments, the Committee noted that: (i) section 3 of the General Public Service Regulations excludes from their scope of application local Government officials, employees in public establishments and auxiliary administrative personnel; and (ii) the status of contractual employees is governed by the collective agreement of 7 December 2012. ***Noting with regret that the Government has not responded to the Committee's request to receive a copy of the collective agreement in question, the Committee requests it to provide one without delay.***

Article 4. Adequate protection against acts of anti-union discrimination. In its previous comments, the Committee emphasized the need to take legislative measures to ensure adequate protection for public employees against discrimination on the grounds of their trade union membership or activities. ***Noting that the Government restricts itself to recalling the provisions solely applicable to public employees (section 10 of the General Public Service Regulations), the Committee once again urges the Government to take measures to ensure that the legislation includes explicit provisions protecting public employees against discrimination in the exercise of their trade union activities.***

Article 5. Protection against acts of interference. The Committee also noted the absence of legislative provisions, either in the General Public Service Regulations, or in other texts applicable to public employees, aimed at ensuring adequate protection against acts of interference by the public authorities in internal trade union affairs. The Committee notes that the Government indicates that protection against acts of interference is restricted to contractual employees, as set out in section 297 of the Labour Code. ***Observing that the provisions of the Code are not applicable to Government officials and auxiliary administrative personnel employed by the State and public bodies, unless otherwise provided for under a specific regulation (section 2 of the Code), the Committee once again urges the Government to take measures to ensure that the legislation applicable to civil servants and to all public employees fully guarantees adequate protection of their organizations against any acts of interference by a public authority in their establishment, functioning or administration.***

Article 6. Facilities to be afforded to public employees' organizations. The Committee notes, from the information provided by the Government, that there is no text that explicitly provides for facilities to be made available to the organizations of civil servants or public employees, even where such facilities may in practice exist in the public service. ***The Committee once again urges the Government to take measures, as required by the Convention, with a view to ensuring, through the adoption of legislative provisions or other means, that facilities are afforded to the representatives of recognized public employees' organizations in order to allow them to perform their functions promptly and efficiently both during working hours and at other times.***

Article 7. Procedures for determining terms and conditions of employment. The Committee notes that the Government indicates that the Public Service Advisory Committee, as established by the General Public Service Regulations, has general competence in matters related to the public service, which includes representatives of public employees' organizations who participate in the determination of conditions of employment. ***While noting this information, the Committee once again urges the Government to provide a copy of the Decree determining the composition, operation and appointment of the members of the Public Service Advisory Committee, and to indicate any consultations held or agreements concluded with trade union organizations concerning the determination of employment conditions in the public sector over recent years.***

Article 8. Settlement of disputes. Lastly, the Committee notes the Government's indication that there are still no provisions in place concerning procedures for dispute settlement. ***The Committee once again urges the Government to establish procedures offering guarantees of independence and impartiality***

(such as mediation, conciliation or arbitration), with a view to settling disputes arising out of the determination of the terms and conditions of employment of public employees.

The Committee trusts that the Government will shortly be able to provide the information requested and to report the adoption of legislative measures that take account of the comments the Committee has been making for many years.

Comoros

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1978)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes the observations of the Workers' Confederation of Comoros (CTC), received on 1 August 2017, relating to matters examined by the Committee in the present observation, and it requests the Government to provide its comments in this regard. The Committee notes that, in response to the observations of the CTC in 2013, the Government indicates that the trade union leaders who had been dismissed have been reinstated. ***The Committee requests the Government to provide its comments on the other matters raised by the CTC, and particularly the allegations of employer pressure against trade union leaders of the CTC, the Union of Health and Education Workers and a new trade union in a communications enterprise to persuade them to end their trade union activities.***

Articles 4 and 6 of the Convention. Promotion of collective bargaining in the private and public sectors (employees of public enterprises and public servants not engaged in the administration of the State). In its previous comments, the Committee once again regretted the absence of progress in relation to collective bargaining which, according to the CTC, was not structured and had no framework at any level, and particularly that joint bodies in the public service had still not been established. The Committee notes that the CTC in its 2017 observations makes particular reference to decrees and implementing orders covering the Higher Council of the Public Service, the Joint Commission and the Medical Commission established to provide a framework for bargaining, but which have still not been signed following their preparation in 2015, thereby opening the way for regulations and measures which are not in conformity with the law to the prejudice of employees of the public service. ***While taking note of the request made by the Government in its report for technical assistance, the Committee urges the Government to take the necessary measures to promote collective bargaining in both the private and the public sectors (employees of public enterprises and public servants not engaged in the administration of the State). The Committee requests the Government to provide information on this subject.***

The Committee notes the adoption of the Act of 28 June 2012 repealing, amending and supplementing certain provisions of Act No. 84-108/PR issuing the Labour Code.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Democratic Republic of the Congo

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2001)

Previous comment

The Committee notes the observations provided by Education International (EI) in August 2023 denouncing the intentional obstruction of the exercise of trade union rights of workers and in particular

of teachers, including arbitrary arrests during a demonstration of education inspectors in May 2023, as well as physical attacks. ***The Committee requests the Government to provide comments in this regard.***

Articles 2 and 3 of the Convention. Right to organize in the public service. In its previous comments, the Committee noted that: (i) under the terms of section 94 of Act No. 16/013 of 15 July 2016 on the conditions of service of permanent public service employees, freedom of association is guaranteed for public service employees; and (ii) under section 93 of the Act, the exercise of the right to strike by public service employees can only be restricted under the conditions established by the law, in particular, so as to ensure the normal provision of "public services of vital interest, which cannot suffer any type of interruption" and a Decree of the Prime Minister was to establish the list of services of vital interest, as well as the details of the minimum service in these services. The Committee notes with ***regret*** that the Government restricts itself to reiterating that it is to submit a draft Decree on this matter to the competent authorities and will provide the Committee with a copy of the Decree as soon as it is adopted. ***Recalling that the right to strike may be restricted or prohibited: (i) in the public service only for public servants exercising authority in the name of the State; (ii) in essential services in the strict sense of the term; or (iii) in the case of an acute national or local crisis, the Committee firmly hopes that the Decree in question will be shortly adopted, taking account of its observations and requests the Government to provide a copy thereof with its next report.***

With regard to the trade union rights of judges, the Committee previously noted that, according to the Government, the freedom of association of judges is recognized under the provisional Order of 1996 and that judges' trade unions exist. The Committee noted however that Organic Act No. 06/020 of 10 October 2006 on the conditions of service of judges did not contain any provisions explicitly granting judges the rights provided for by the Convention even if, according to the Government, the provisional Order of 1996 remained in force, pending the amendment of the Act of 2006. The Committee observes that the Government admits that the freedom of association of judges is still not explicitly recognized in the Act of 2006 as amended and supplemented by Organic Act 15/014 of 1 August 2015. ***In light of the above, the Committee firmly hopes that the Government will take the necessary measures to amend the Act of 2006 as soon as possible, to enshrine freedom of association of judges. It requests the Government to provide a copy of the amended Act with its next report.***

Article 3. *Right of foreign workers to hold trade union office.* In its previous comments the Committee noted that Act No. 16/010 of 15 July 2016 amending and supplementing Act No. 015-2002 on the Labour Code did not remove the provision requiring 20 years of residence in order to be eligible for appointment to administrative or executive positions in trade unions (new section 241). Noting with ***deep regret*** the absence of any progress in this regard, although the Government had undertaken to bringing this matter before the National Labour Council, the Committee is obliged to recall that such a period is excessive, but that a period of three years could be considered as being reasonable (see the 2012 General Survey on the fundamental Conventions, paragraph 103). ***Recalling once again that national legislation should allow foreign workers to take up trade union office, at least after a reasonable period of residence in the host country, the Committee firmly expects the Government to take the necessary measures to amend section 241 of the Labour Code in the near future.***

Articles 3 and 4. Other legislative and regulatory issues. In its previous comments, the Committee requested the Government, on numerous occasions, to take steps to amend: (i) section 11 of Order No. 12/CVAB.MIN/TPS/113/2005 of 26 October 2005, which prohibits striking workers from entering and remaining on work premises affected by the strike; (ii) section 326 of the Labour Code, and in that regard suggested including an additional provision stipulating that penalties against strikers must be proportionate to the offence committed and that no prison sentence shall be imposed unless criminal or violent acts have been committed; (iii) section 28 of Act No. 016/2002 concerning the establishment, organization and functioning of labour tribunals so as to allow recourse to the labour tribunal, should conciliation and mediation procedures have been exhausted, only on the basis of a voluntary decision of the parties to the dispute; and (iv) section 251 of the Labour Code to ensure that the issue of the

dissolution of trade union organizations will be regulated by their union constitutions and rules. The Committee notes with ***deep concern*** that, despite the adoption of Act No. 16/010 of 15 July 2016 (amending and supplementing the Labour Code) and of Act No. 016/2002 (concerning the establishment, organization and functioning of labour tribunals), the above provisions are still in force, and that the Government provides no information in this regard. ***The Committee firmly expects that the Government will take the necessary measures to amend the provisions cited above and provide information on all developments in this regard.***

Recalling that the Government may avail itself of ILO technical assistance, the Committee hopes that the Government will make every effort to take the necessary measures in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1969)

Previous comment

The Committee notes the observations of the Inter-Union National of Congo received on 29 March 2024, denouncing the imposition of taxes on the exercise of trade union activities and collective bargaining. ***The Committee requests the Government to provide its comments in this regard.***

Article 2 of the Convention. Protection against acts of interference. The Committee previously recalled that section 236 of the Labour Code provides that acts of interference by employers' and workers' organizations in each other's affairs shall be defined by an Order issued by the Minister of Labour and Social Welfare following consultation with the National Labour Council. The Committee notes with ***deep regret*** that the Order in question has still not been issued and that the Government restricts itself to indicating that, in the meantime, the Minister of Labour and Social Welfare drafts memos (not provided by the Government), listing several acts of interference. ***The Committee strongly hopes that the next report from the Government will show definite progress in this regard, and that the expected Order will include the various cases envisaged under Article 2 of the Convention.***

Articles 4 and 6. Collective bargaining in the public sector. In its previous comments, the Committee noted that, while Act No. 16/013 of 15 July 2016 on the conditions of service of permanent public service employees recognizes the right of public servants to organize and to strike and establishes consultative bodies, it does not provide for machinery for collective bargaining on conditions of employment. At the same time, the Committee noted that the persons covered by the Act are primarily employees engaged in the administration of the State (section 2). The Committee notes that the Government refers to a draft Decree of the Prime Minister establishing and organizing the High Council for Social Dialogue, which promotes collective bargaining for workers of all sectors, including the public sector. The Committee recalls once again that, under its Article 6, the Convention applies to workers and public servants who are not engaged in the administration of the State (for instance, employees in public enterprises, municipal employees and those in decentralized entities, public sector teachers, as well as transport personnel) (see the General Survey of 2012 on the fundamental Conventions, paragraph 172). ***The Committee once again urges the Government to specify how the right to collective bargaining is granted to various categories of public servants not engaged in the administration of the State and to take, if necessary, steps to ensure that this right is granted to them both in law and in practice. It requests the Government to provide information on all developments in this regard.***

Branch level collective bargaining. The Committee notes with ***deep regret*** that the Government restricts its reply to indicating that the Order defining the functioning of the joint committees, provided for under the terms of section 284 of the Labour Code relating to branch-level collective bargaining, has not yet been issued. ***The Committee once again expresses the firm hope that the Order defining the functioning of the joint committees will be adopted without further delay.***

Promotion of collective bargaining in practice. ***Noting with regret that the Government limits itself to very general statements, the Committee requests the Government to provide detailed information***

on the measures taken or envisaged to promote collective bargaining, the number of collective agreements concluded and in force in the country, as well as on the sectors concerned and the number of workers covered by these agreements.

The Committee trusts that the Government will shortly be in a position to provide the information requested and to announce the adoption of regulatory measures that take account of the comments that the Committee has been formulating for many years.

Djibouti

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1978)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the Government's communication, dated 17 November 2019, in response to the allegations made in 2019 by the Labour Union of Djibouti (UDT) and the General Union of Djibouti Workers (UGTD), and by Education International (EI), concerning ongoing violations of freedom of association in Djibouti. The Committee notes, however, that the Government has not provided the information requested on the reasons why Mr Mohamed Abdou was prohibited from leaving the country and prevented from participating in the 103rd Session of the International Labour Conference (May-June 2014). Noting that the recent observations of the UDT and the UGTD no longer refer to this matter, the Committee trusts that Mr Abdou is no longer subject to such prohibitions.

Trade union situation in Djibouti. The Committee recalls that allegations of violations of freedom of association in the country are repeatedly brought before the ILO supervisory bodies and that mention is often made of the phenomenon of "clone unions" (duplication of trade union organizations, established with the Government's support). The Committee notes that the Government merely reiterates that this phenomenon of "cloning" trade union organizations does not exist in Djibouti and that the representation of the UDT and the UGTD continues to be usurped by Mr Mohamed Abdou and Mr Diraneh Hared, authors of the observations addressed to the Committee. In this respect, the Committee notes the findings of the Credentials Committee of the 110th Session of the Conference (June 2022) on a new objection concerning the appointment of the Workers' delegation. The Committee notes with ***deep concern*** the Credentials Committee's indication that confusion continues to reign over the trade union landscape in Djibouti. The Credentials Committee particularly regrets that the Government has not addressed the allegations repeated every year by the objecting organizations concerning the "cloning" of the UDT and UGTD and usurpation of their names, "other than by stating flatly that the authors of the objection had no legitimate union mandate, without any explanation as to how, in particular, Mr Mohamed Abdou might have lost the leadership of the UDT, which he undoubtedly held in the past". ***Noting the information from the Credentials Committee that the Government has stated that it accepts the terms for technical assistance from the Office to proceed with an evaluation of the situation of the trade union movement in the country, the Committee firmly urges the Government to take concrete measures to this effect in the near future, with a view to ensuring the development of free and independent trade unions in accordance with the Convention.***

Article 3 of the Convention. Right of workers' organizations to organize their administration and activities in full freedom. The Committee once again notes with ***regret*** that the Government has not provided the information expected concerning the need to amend:

- section 5 of the Act on Associations, which requires organizations to obtain authorization prior to their establishment as trade unions; and
- section 23 of Decree No. 83-099/PR/FP of 10 September 1983, which confers upon the President of the Republic broad powers to requisition public servants.

The Committee trusts that the Government will take all measures necessary to amend the above provisions and will report on specific progress in its next report.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1978)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1 of the Convention. Protection against acts of anti-union discrimination. The Committee notes the Government's communication, in response to the allegations made in 2019 by the Labour Union of Djibouti (UDT) and the General Union of Djibouti Workers (UGTD), and by Education International (EI), concerning the persistence of anti-union discrimination in the education and rail transport sectors. The Committee notes in particular the Government's indication that decisions must be taken to discontinue criminal proceedings against the teachers who had been arrested in 2019 in the context of the case of the Baccalaureate exams, and that most of the railway workers concerned following the 2019 social conflict have been reintegrated into their posts. With regard to the transfers described as "punitive", concerning the leaders of the teachers' trade unions, the Government denies the allegations, however. ***Noting that the information brought to its knowledge does not provide a definitive reply to all the allegations presented by EI, UDT and UGTD, and recalling the obligation, under the terms of the Convention, to ensure that workers are adequately protected against anti-union discrimination, the Committee requests the Government to take the measures required to ensure full respect of Article 1 of the Convention in the above-mentioned activity sectors.***

Article 4. Right of collective bargaining in practice. The Committee notes the information provided by the Government in its report concerning the draft inter-occupational collective agreement, which was examined and approved unanimously in September 2020, by the members of the National Council for Labour, Employment and Social Security (CONTESS). ***The Committee requests the Government to provide information on any developments in this regard, and on the total number of collective agreements signed and in force in the country, the sectors concerned and the number of workers covered by these agreements.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Dominica

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1983)

Previous comment

The Committee notes the observations of the Dominica Amalgamated Workers Union (DAWU), the Dominica Public Service Union (DPSU) and the Dominica Employers' Federation, communicated with the Government's report.

Article 3 of the Convention. Right of organizations to freely organize their activities and to formulate their programmes. The Committee recalls that it requested the Government to take the following measures: (i) exclude the banana, citrus and coconut industries, as well as the port authority, from the schedule of essential services annexed to the Industrial Relations Act (Act No. 18 of 1986), which makes it possible to stop a strike in these sectors by compulsory arbitration; and (ii) amend sections 59(1)(b) and 61(1)(c) of the forementioned Act, which empower the Minister to refer disputes to compulsory arbitration if they concern serious issues in his or her opinion. The Committee notes the Government's indication that it will be engaging the relevant stakeholders in discussions with the aim of advancing legislative amendments as recommended by the Committee. In this respect, the Committee notes that the DPSU, while emphasizing the value of every public service, supports the request to remove the forementioned industries from the schedule of essential services and welcomes the call to amend sections 59(1)(b) and 61(1)(c) of the Act, whereas the Dominica Employers' Federation is opposed to this removal because of the Dominican economy's dependency on the aforementioned agricultural

commodities. The Committee takes note of the DAWU's indication that the Industrial Relations Advisory Committee (IRAC) needs to hold a meeting in order to make decisions and issue recommendations to the Minister of Labour. The Committee further notes that according to the Industrial Relations Board, whose opinion the Government communicated with its report, the banana, citrus and coconut industries, given their significantly reduced role in the economy, might be removed from the list of essential services, but that the port authorities remain an essential service, for the reason that they are both air and sea gateways for entry of essential goods such as medical supplies or food. With regard to the latter services, the Committee recalls that it should be possible for strikes to be organized by workers in port services and authorities and that in such services, which are not essential in the strict sense of the term, but in which strikes of a certain magnitude and duration could cause an acute crisis threatening the normal conditions of existence of the population, and in public services of fundamental importance, the authorities could establish a system of minimum service rather than impose an outright ban on strikes (see the 2012 General Survey on the fundamental Conventions, paragraphs 134 and 136). ***Noting with deep regret that no progress has been made in bringing the legislation into conformity with the Convention despite its repeated requests, the Committee urges the Government to amend, in consultation with the social partners, sections 59(1)(b) and 61(1)(c) of the Industrial Relations Act without further delay and to provide information on all progress made in this regard. The Committee recalls that the Government may avail itself of the ILO's technical assistance in this respect.***

Workers' Representatives Convention, 1971 (No. 135) (ratification: 2004)

Previous comment

The Committee notes the observations of the Dominica Public Service Union (DPSU), the Dominica Amalgamated Workers Union (DAWU) and the Dominica Employers' Federation, communicated with the Government's report.

Article 2 of the Convention. Facilities granted to workers' representatives. The Committee notes with ***regret*** that despite its repeated calls since 2004, the Government's report does not provide any information on the practical application of the Convention, but merely indicates that the Labour Division serves as the Government's principal agency for labour policy administration and ensures that legislative practices are upheld. The Committee notes that the DPSU expresses concern about the lack of information regarding the application of the Convention and that it supports the invitation to request the ILO's technical assistance in this regard. The Industrial Relations Board, whose opinion the Government indicated in its report, also suggests taking up the said invitation. ***The Committee once again requests the Government to supply examples of facilities provided to workers' representatives in existing collective agreements. It hopes that the Government will make every effort to take the necessary action in the near future to ensure the application of the Convention in practice, and recalls that it may avail itself of the ILO's technical assistance in this respect.***

Ecuador

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1967)

Previous comment

The Committee notes the Government's reply to the observations of the Federation of Petroleum Workers of Ecuador (FETRAPEC), Public Services International (PSI) in Ecuador and the United Workers' Front (FUT) of 2023. The Committee also notes the observations of the International Organisation of Employers (IOE), received on 30 August 2024, which reiterate the comments made to the Committee on the Application of Standards of the Conference (hereinafter the Conference Committee) in June 2024 on the application of the Convention by Ecuador. The Committee further notes the detailed joint

observations of PSI in Ecuador, the Ecuadorian Confederation of Free Trade Unions (CEOSL) and FETRAPEC, received on 31 August 2024, and the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024, and also notes the Government's reply to all these observations. The Committee also notes the observations of the CEOSL, received on 5 October 2024, and the Government's reply thereto.

The Committee notes that the observations of the trade unions referred to above address matters that are mainly examined in the present comment. The Committee notes that the ITUC also refers to the systematic and unjustified rejection of applications for the registration of trade unions and PSI in Ecuador, the CEOSL and FETRAPEC express concern at the Basic Bill to reform the Labour Code for the Ethical Management and Transparency of Associations and Workers' Unions which, according to their indications, was submitted to the National Assembly on 30 July 2024 and proposes the legalization of various acts of interference in the independence of trade unions. ***The Committee requests the Government to provide its comments in this regard.*** The Committee also notes that the ITUC expresses concern, in the same way as the FETRAPEC, PSI in Ecuador and FUT did in 2023, on the implementation of Executive Decree No. 730 of 2023 ordering the armed forces to take action to suppress organized crime, indicating that it could be applied to any attempt at popular mobilization or social protest. The Committee notes the Government's indication that the objective of the Decree is to combat organized crime and that it will be applied in such a manner that it does not affect the right to social mobilization and protest, with the guarantee that action by the armed forces will be carried out within the legal framework and in respect of human rights. The Government adds that it is prepared to maintain an open dialogue with trade unions and constantly seeks respect for freedom of association. ***The Committee requests the Government to ensure that the Decree is not applied in such a manner as to affect the exercise of the rights set out in the Convention.***

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion held in the Conference Committee at its 112th Session (2024), in which the Conference Committee expressed concern that the Government had so far not accepted a direct contacts mission or availed itself of ILO technical assistance, as previously requested. The Conference Committee deplored the failure of the Government to register a tripartite delegation to the Conference and noted with concern the general anti-trade union climate prevailing in the country which is not conducive to the free exercise and full enjoyment of the rights and freedoms set out in the Convention. The Conference Committee urged the Government to take effective and urgent measures to:

- immediately and effectively take the necessary steps to determine culpability and punish the perpetrators of the murder of Mr Sandro Arteaga Quiroz;
- prevent violence in relation to the exercise of legitimate trade union activities;
- ensure that trade unionists are able to exercise their activities in a climate free from violence, harassment and intimidation, and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;
- ensure that all workers, without distinction whatsoever, including self-employed and informal workers, have the right to establish and join trade unions of their own choosing in law and practice;
- amend, in full consultation with the social partners, the following legal provisions in order to bring them into line with the Convention:
    - sections 443, 449, 452 and 459 of the Labour Code, which require an excessive number of workers for the establishment of workers' associations and limit the possibility of creating trade unions by branch of activity;

- section 10(c) of Ministerial Decision No. 0130 of 2013 on compulsory time limits for convening trade union elections;
- section 459(4) of the Labour Code, which requires Ecuadorian nationality to be eligible for trade union office;
- section 459(3) of the Labour Code, which allows the role of officer of an enterprise committee to be filled by any worker, whether or not a trade union member;
- section 11 of the Basic Reform Act, which excludes certain categories of public workers from the right to form and join trade unions;
- provisions of the Basic Reform Act, which grant privileges to majority committees of public servants and deprive all other organizations of the possibility to defend the interests of their members;
- Decree No. 193, which allows for administrative dissolution of public servants unions;

- take all possible measures to register the National Federation of Education Workers (UNE) without delay.

The Conference Committee also invited the Government to avail itself of ILO technical assistance to effectively implement all of the above recommendations.

Technical assistance. Direct contacts mission. The Committee notes that the Conference Committee expressed concern that the Government had not so far accepted the direct contacts mission requested in 2022 or availed itself of ILO technical assistance for the effective implementation of all the recommendations of the Conference Committee. The Committee notes the Government's indication that the National Labour and Wages Board (CNTS) is a tripartite advisory and technical body, under the responsibility of the Ministry of Labour, which applies the principles of equity and consensus between the various social partners that are members, and the acceptance of the direct contacts mission would therefore involve duplication as the Government is already working to ensure the full and effective application of the Convention. Echoing the concern expressed by the Conference Committee, the Committee ***deeply regrets*** that the direct contacts mission that has been requested for the past two years has not yet been carried out. ***The Committee firmly trusts that the Government, which is ultimately responsible for guaranteeing respect for freedom of association in the country, will accept the direct contacts mission requested by the Conference Committee in 2022. The Committee expresses the hope that the direct contacts mission will contribute to finding appropriate solutions to all the pending issues raised by the ILO supervisory bodies for many years.***

Trade union rights and civil liberties. Murder of a trade unionist. In its previous comment, the Committee regretted to note the lack of progress in the investigation of the murder in 2022 of Mr Sandro Arteaga Quiroz, secretary of the Union of Workers of the Manabí Provincial Government. The Committee notes that PSI in Ecuador, the CEOSL and FETRAPEC indicate that there has been no significant progress in the investigation and that the judicial procedure has not yet commenced, which in their view shows significant negligence in light of the facts. The Committee expresses its ***concern*** in this regard and ***regrets*** to note that the Government has not provided any information on the subject. The Committee notes that the ITUC deeply regrets that there has been no progress in the clarification of the facts relating to the murder and adds that the situation of insecurity has resulted in a considerable and very worrying increase in complaints of violence against trade union leaders, including death threats to coordinators of the Trade Union Association of Banana, Agricultural and Rural Workers (ASTAC) and the dismissal of workers who were endeavouring to establish or join a union, in the context of a generalized and dangerous anti-union climate. The Committee recalls that the ILO supervisory bodies have constantly emphasized the interdependence of civil liberties and trade union rights, and that a truly free and independent trade union movement can only develop in a climate free from violence, pressure and threats of any kind against the leaders and members of such organizations (see the 2012 General Survey on the fundamental Conventions, paragraph 59). ***Trusting that the Government will guarantee respect for this principle of interdependence, the Committee once again strongly urges the Government to take***

the necessary measures without delay to determine responsibilities and punish those guilty of the crime of the murder of Mr Sandro Arteaga Quiroz and keep the Committee informed in this respect.

Application of the Convention in the private sector

Article 2 of the Convention. Excessive number of workers (30) required for the establishment of workers' associations and enterprise committees. *Possibility of creating trade union organizations by branch of activity*. For many years, the Committee has been drawing the Government's attention to the need to amend sections 443, 449, 452 and 459 of the Labour Code so as to: (i) reduce the minimum number of members required to establish workers' associations and enterprise committees; and (ii) enable the establishment of first-level trade unions that include workers from various enterprises. The Committee ***regrets*** to note that the Government does not refer to the amendment of the sections respecting the number of workers required for the establishment of workers' associations and enterprise committees. The Committee notes that the ITUC, PSI in Ecuador, CEOSL and FETRAPEC reiterate that large enterprises in the country account for 0.5 per cent of all active enterprises, and that it would therefore be impossible to establish unions in over 90 per cent of the production units in the country. They also emphasize that it is urgent to guarantee the possibility for self-employed and informal workers to organize. The Committee is bound to recall that, although the requirement of a minimum number of members is not in itself incompatible with the Convention, the number should be fixed in a reasonable manner so that the establishment of organizations is not hindered (see the 2012 General Survey on the fundamental Conventions, paragraph 89). ***The Committee once again urges the Government to take the necessary measures, following consultations with the social partners, to amend the sections of the Labour Code referred to above in the manner indicated and to keep it informed of any developments in this respect. The Committee also requests the Government to indicate whether self-employed and informal workers enjoy the rights set out in the Convention and to specify the corresponding legislative provisions.***

With reference to the establishment of organizations grouping together workers from several enterprises, the Committee recalls that: (i) a ruling handed down in 2021 ordered the Ministry of Labour to register the ASTAC as a branch union, despite it being formed of workers from various enterprises, and to adopt regulations for the registration of unions by branch of activity; and (ii) the Ministry registered the ASTAC as a branch union and applied for an extraordinary protection order against the ruling for lack of adequate grounds and legal certainty and failure to comply with due process. The Committee notes, on the one hand, the Government's indication that there is no provision in the legislation allowing the organization of workers in several enterprises by branch of activity while, on the other hand, it indicates that unionization by branch of activity has been included in the Regulations respecting labour organizations for the exercise of the right to freedom of association and trade union independence (hereinafter the ROL), issued on 18 January 2024 by the Ministry of Labour. The Government indicates that on 18 December 2023, the members of the executive committee of the ASTAC were registered for the period 2023 to 2025. The Committee notes the ITUC's indication that the Ministry has refused to issue regulations on the establishment of branch unions and claims that the ruling respecting the registration of the ASTAC applies between the parties. The PSI in Ecuador, CEOSL and FETRAPEC observe that: (i) no decision has yet been handed down concerning the application for an extraordinary protection order; (ii) on 7 August 2024 the Constitutional Court requested the Ministry of Labour to provide a detailed report on compliance with the 2021 ruling; and (iii) in March 2024, in response to the application for the registration of the Audiovisual and Cinematographic Worker's Union of Ecuador (SITACE), the Labour Organizations Department indicated that it does not have competence to issue a decision concerning freedom of association by branch of activity. The Committee also notes the CEOSL's indication that: (i) on 6 June 2024, the Bill to reform the Labour Code to guarantee freedom of association was submitted to the National Assembly and, among other amendments, the Bill claims to facilitate trade union organization by branch of activity; and (ii) the Bill has been under discussion by the Labour Law and Social Security Commission of the National Assembly since 3 October 2024. The Committee notes all of the above indications and ***regrets*** to note that, despite the comments that it has

been making for many years, the establishment of first-level trade unions of workers from various enterprises is still not permitted. The Committee recalls that these matters have been examined by the Committee on Freedom of Association in Cases Nos 3148 (381st, 391st and 407th Reports, of March 2017, October 2019 and June 2024) and 3437 (404th Report, October 2023) and that the Committee on Freedom of Association regretted on each occasion that, despite its recommendations and the follow up by the Committee of Experts, both the national legislation and the practice followed by the Ministry of Labour still do not permit the establishment of first-level trade unions composed of workers from different enterprises. ***Recalling once again that, in accordance with Articles 2 and 3 of the Convention, workers must be able, if they so wish, to establish first-level organizations at a higher level than the enterprise, the Committee reiterates its firm expectation that the 2021 ruling referred to above will contribute to allowing the establishment of trade union organizations by branch of activity. With reference to its previous request, the Committee notes that the Constitutional Court and the National Assembly will be dealing with this issue and expects that the Committee's views on this fundamental aspect of compliance with the Convention will be useful for them. The Committee firmly expects that the Government will provide information in the near future on the measures adopted to ensure full recognition, in law and practice, of the right of workers from several enterprises to establish first-level trade union organizations. The Committee also requests the Government to provide information on the process of the registration of the SITACE.***

Article 3. Compulsory time limits for convening trade union elections. The Committee has been requesting the Government to amend section 10(c) of the Regulations on labour organizations No. 0130 of 2013 (ROL 2013), which provides that trade union executive committees shall lose their powers and competences if they do not convene elections within 90 days of the expiry of their term of office, as set out in the respective union statutes, such that the consequences of any delay in holding elections is determined by the union statutes themselves, subject to respect for democratic rules. The Committee notes the Government's indication that: (i) Ministerial Decision No. MDT-2024-012 of 2024, through which the Ministry of Labour issued ROL 2024, repealed ROL 2013; and (ii) section 13 of ROL 2024 provides that, in the event that the executive committee of a trade union has completed the period for which it was elected, it will continue in office until it is legally replaced. The Committee notes with ***interest*** this amendment and hopes that it will contribute to the effective exercise of the rights contained in the Convention. ***The Committee requests the Government to provide information on the impact of the new provision in practice.***

Requirement of Ecuadorian nationality to be eligible for trade union office. The Committee has urged the Government to amend section 459(4) of the Labour Code, which provides for the requirement of Ecuadorian nationality to be eligible to be an officer of an enterprise committee. The Committee notes the Government's reiterated indication that the prohibition only relates to officers of enterprise committees, not to being a leader or member of other forms of association. The Committee noted that, under the terms of the Labour Code, enterprise committees are one of the forms that trade unions can take within an enterprise. The Committee recalls once again that, under *Article 3* of the Convention, all workers' and employers' organizations shall have the right to elect their representatives in full freedom and that the national legislation should allow foreign workers to take up trade union office, if so permitted by the organization's statutes and rules, at least after a reasonable period of residence in the host country. ***The Committee once again firmly urges the Government to amend section 459(4) of the Labour Code in order to bring the legislation into accordance with the Convention and requests the Government to keep the Committee informed of any developments in this regard.***

Election as officers of enterprise committees of workers who are not trade union members. The Committee previously requested the Government to hold consultations with the social partners on the need to amend section 459(3) of the Labour Code (which provides that the role of officer of an enterprise committee may be filled by any worker, whether or not a union member). The Committee notes the Government's repeated indication that it considers it necessary to maintain tripartite dialogue to

determine the feasibility of a possible amendment of the current text. ***The Committee takes due note of these indications and once again requests the Government to hold consultations with the social partners on the need to amend section 459(3) of the Labour Code to bring it into full compliance with the principle of trade union independence and to keep the Committee fully informed of any developments in this respect.***

Application of the Convention in the public sector

Article 2. Right of workers, without distinction whatsoever, to establish and join organizations of their own choosing. The Committee noted previously that, although section 11 of the Basic Act reforming the legislation governing the public sector (hereinafter, the Basic Reform Act), adopted in 2017, recognizes the right of public officials to organize, certain categories of public employees are excluded from this right, especially those under contract for occasional services, those subject to free appointment and removal from office, and those on statutory fixed-term contracts. The Committee ***regrets*** to note that the Government has confined itself to indicating the applicable legislation and reiterates that public officials have the right to organize to defend their rights, improve the delivery of public services and to strike, without referring to the matters covered by the Committee's comment. The Committee also notes the indication by PSI in Ecuador, the CEOSL and FETRAPEC that the ROL 2024 sets out two additional requirements which restrict the establishment of trade unions, indicating that the application for legal personality must be accompanied by a justification of the applicable labour regulations for the establishment of first-level organizations in public institutions and by a report of the labour inspector notified to the employer (when the real notification to the employer occurs after the application for registration has been made). ***The Committee once again urges the Government to take the necessary measures to bring the legislation into line with the Convention so that all workers, with the sole possible exception of members of the police and the armed forces, have the right to establish and join organizations of their own choosing. It requests the Government to report any measures adopted in this regard and to provide information on the impact that the additional requirements set out in ROL 2024 have had in practice.***

Right of workers to establish organizations of their own choosing without previous authorization. Organizations of public servants other than committees of public servants. The Committee noted previously that, in accordance with the provisions of the Basic Reform Act, committees of public servants, which must be composed of 50 per cent plus one of the personnel in a public institution, are responsible for defending the rights of public servants and are the only bodies that can call a strike. Emphasizing that all organizations of public officials must be able to enjoy the various rights established by the Convention, the Committee requested the Government to: (i) provide information on organizations of public officials other than committees of public servants and indicate the means available to them to defend the occupational interests of their members; and (ii) take the necessary measures to ensure that the legislation does not limit recognition of the right to organize to committees of public servants. The Committee ***regrets*** to note that the Government has confined itself to indicating that committees of public servants are protected by article 326(9) of the Constitution of the Republic, which provides that, for all the effects of the employment relationship in State institutions, workers shall be represented by a single organization. ***Recalling once again that, under Article 2 of the Convention, trade union pluralism must be possible in all cases, and that no organization of public servants should be deprived of the essential means of defending the occupational interests of its members, organizing its administration and activities, and formulating its programmes, the Committee urges the Government to take the necessary steps to ensure that legislation does not restrict recognition of the right to organize to the committees of public servants as the sole form of organization and the Committee firmly hopes that the Government will provide information on any measures adopted in this regard.***

Article 3. Right of workers' organizations and associations of public officials to organize their activities and formulate their programmes. The Committee previously strongly urged the Government to take the

necessary measures to amend section 346 of the Basic Comprehensive Penal Code, which provides for a term of imprisonment of from one to three years for stopping or obstructing the normal provision of a public service, so as to prevent the imposition of criminal penalties on workers engaged in a peaceful strike. The Committee notes the Government's indication that the adoption of new legislation and the reform of laws is the responsibility of the National Assembly and that penal sanctions are only imposed in cases in which strikers break the law. The Committee ***regrets*** to note that, based on the information provided by the Government, it appears that there has been no progress in taking its comments into account. ***The Committee once again strongly urges the Government to take the necessary measures to amend section 346 of the Basic Comprehensive Penal Code in the manner indicated and, until such time as those measures have been taken, to ensure that the Basic Comprehensive Penal Code is not used as a means of criminalizing peaceful social protest. The Committee requests the Government to provide information on any measures adopted in this regard and invites it to draw the attention of the National Assembly to these comments.***

Article 4. Dissolution of associations of public officials by the administrative authorities. Recalling that *Article 4* of the Convention prohibits the suspension or administrative dissolution of associations of public officials, the Committee previously urged the Government to ensure that the provisions of Decree No. 193, which regulates social organizations and maintains engagement in party-political activities as grounds for administrative dissolution, are not applicable to associations of public officials whose purpose is to defend the economic and social interests of their members. The Committee notes the Government's reiterated indication that the Basic Reform Act provides that organizations of public servants may exclusively be dissolved by judicial ruling. The Committee recalls that various trade union organizations have indicated that the reasons for the forced dissolution of labour organizations set out in Decree No. 193 are applied to trade unions because they are considered to be "civil society" organizations, and not trade unions. ***The Committee urges the Government to ensure that the provisions of Decree No. 193 are not applied to associations of public servants whose purpose is to defend the economic and social interests of their members.***

Administrative dissolution of the National Federation of Education Workers (UNE). After noting the registration of social organizations related to the UNE (which was dissolved by an administrative act issued by the Under-Secretariat of Education in 2016), the Committee previously requested the Government to: (i) indicate whether the registration of the UNE-E with the Under-Secretariat of Education in Quito meant that the UNE had been able to resume its activities of defending the occupational interests of its members: (ii) take all the necessary measures to ensure the registration of the UNE as a trade union organization with the Ministry of Labour, if the UNE so wished; and (iii) ensure the full return of the property seized as well as the removal of any other consequences resulting from the administrative dissolution of the UNE. The Committee noted that the UNE had filed several legal actions against the dissolution decision and that the Constitutional Court ruling on an extraordinary protection order was still pending. The Committee ***regrets*** to note that the Government has confined itself to indicating that the Basic Public Service Act provides that organizations of public officials can be dissolved exclusively by judicial ruling. The Committee notes that, according to the ITUC, PSI in Ecuador, CEOSL and FETRAPEC, in a ruling issued on 12 July 2023, the Constitutional Court partially accepted the extraordinary protection order, found that the right to due process had not been observed in the reasons given for the decisions made by the public authorities, set aside the decision of 18 January 2018 (which had found that the appeal for cassation filed by the President of the UNE was not receivable) and ordered another magistrate on the bench of the Specialized Administrative Dispute Chamber of the National Court of Justice, to be assigned by lot, to rule on the admissibility of the appeal for cassation filed by the complainant. They add that the judicial procedure is still pending in the National Court of Justice and that, irrespective of the ruling, the Government could review its own acts and set aside the administrative decision to dissolve the UNE, without a judicial ruling being necessary to order it to do so. ***In the same way as the Conference Committee, the Committee requests the Government to take all***

possible measures for the registration of the UNE without delay. It also requests the Government to provide information on the ruling handed down by the Specialized Administrative Dispute Chamber of the National Court of Justice, and on the possibility of the Government reviewing its own acts, as suggested by the trade union organizations. The Committee also once again requests the Government to ensure the full return of the property seized as well as the removal of any other consequences resulting from the administrative dissolution of the UNE and to provide information in this regard.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2025.]

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1959)

Previous comment

The Committee notes the Government's reply to the observations of the Trade Union Association of Agricultural, Banana and Rural Workers (ASTAC), the Ecuadorian Confederation of Free Trade Unions (CEOSL), the Federation of Petroleum Workers of Ecuador (FETRAPEC), the National Federation of Education Workers (UNE) and Public Services International (PSI) in Ecuador of 2022, and the Government's reply to the joint observations of the FETRAPEC, PSI in Ecuador and the United Workers' Front (FUT) of 2023. The Committee also notes the detailed joint observations of PSI in Ecuador, the CEOSL and FETRAPEC received on 31 August 2024, and the observations of the CEOSL received on 5 October 2024, and notes the Government's reply in this respect. The Committee notes that these observations deal in detail with issues that the Committee is examining in the present comment and allege acts of anti-union discrimination, including anti-union dismissals, blacklisting and partial compliance with rulings ordering the reinstatement of trade union leaders. ***The Committee requests the Government to provide its comments on these allegations.***

Technical assistance, direct contacts mission requested by the Committee on the Application of Standards of the International Labour Conference (hereinafter the Conference Committee) in the context of the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Committee notes that, when examining the application of Convention No. 87 by Ecuador in June 2024, the Conference Committee once again addressed issues that have a direct impact on the capacity of workers to engage in collective bargaining of their terms and conditions of work and consequently on the application of the present Convention. The Conference Committee expressed concern that the Government had not yet accepted the direct contacts mission requested in 2022 and had not had recourse to ILO technical assistance for the effective application of all the recommendations made by the Conference Committee. ***The Committee firmly trusts that the Government will accept the direct contacts mission requested by the Conference Committee in 2022 and hopes that the direct contacts mission and ILO technical assistance will contribute to finding appropriate solutions to all the pending issues raised by the ILO supervisory bodies for many years.***

Application of the Convention in the private sector

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. For over a decade, the Committee has been referring to the need to include provisions in the legislation that guarantee protection against acts of anti-union discrimination in access to employment. The Committee notes that the Government refers to the provisions of two Ministerial Decisions: Decision No. MDT-2017-0082, issuing regulations that guarantee non-discrimination, including during selection processes and during the existence of the employment relationship, and Decision No. MDT-2020-44 respecting discrimination, work-related harassment and/or any form of violence against women at the workplace. However, the Committee notes that the Ministerial Decisions do not contain explicit provisions guaranteeing protection against anti-union discrimination in access to employment and do not therefore address the request made by the Committee. The Committee notes the indication by PSI in

Ecuador, the CEOSL and FETRAPEC that the regulations respecting harassment, violence and discrimination at work do not apply directly to discrimination against trade union leaders. ***Recalling that Article 1 of the Convention addresses the prohibition of anti-union discrimination at the time of the recruitment of individual workers, so that access to employment is not made subject to the condition that workers shall not join a union or shall relinquish union membership, the Committee once again emphasizes the need for provisions explicitly prohibiting acts of anti-union discrimination at the time of access to employment to be included in the legislation. The Committee requests the Government to provide information in this respect.***

The Committee also notes that the trade union confederations reiterate that many trade union leaders cannot find work because employers consult the website of the judiciary, which contains publicly accessible information on labour claims, and they avoid recruiting applicants who have made claims against previous employers. They add that, in February 2024, with a view to regulating the handling of personal data and preventing discrimination based on judicial records, Regulations were issued on the handling of personal data in judicial proceedings. They indicate that, although this is a significant step forward, it is not known how many applications have been made for personal data to be kept anonymous and their outcome. ***The Committee requests the Government to provide information on the impact in practice of the Regulations on the handling of personal data in judicial proceedings.***

Article 4. Promotion of collective bargaining. The Committee recalls that, in accordance with section 221 of the Labour Code, collective labour contracts must be concluded with the enterprise committee (one of the forms, in accordance with the Labour Code, that can be taken by trade unions in the enterprise) or, if one does not exist, with the organization with the highest number of worker members, on condition that it represents over 50 per cent of the workers in the enterprise. Emphasizing the link between the low coverage of collective agreements in the country and the restrictive requirements set out in law for participation in collective bargaining, the Committee previously emphasized the need to amend the section so that, where there is no organization that represents over 50 per cent of the workers, minority trade unions are at least able, alone or jointly, to negotiate a collective or direct agreement on behalf of their own members. The Committee notes that the Government confines itself to indicating that 68 collective agreements were concluded in the country in 2023. The Committee ***regrets*** that information has not been provided on the adoption of the measures requested or greater detail provided on the collective agreements referred to. The Committee notes the indications by PSI in Ecuador, the CEOSL and FETRAPEC that: (i) according to the data provided by the Government, between December 2023 and the middle of 2024, there were 14 collective agreements concluded in the private sector covering 6,029 workers; (ii) the majority of the agreements were revisions of pre-existing collective agreements; and (iii) information is not available on the coverage of collective agreements at the national level. The Committee once again emphasizes that, even though the requirement of representativity for signing collective agreements is fully compatible with the Convention, the level of representativity set should not be such as to hinder the promotion and implementation of free and voluntary collective bargaining, as envisaged in *Article 4* of the Convention. ***The Committee once again emphasizes the need to amend section 221 of the Labour Code in the manner indicated and urges the Government to provide information in this respect. It also requests the Government to provide detailed information on the number of collective agreements concluded and in force in the country, and to indicate the sectors covered (including the agricultural and banana sector), the number of workers covered by the agreements and whether they are new or revised collective agreements.***

Collective bargaining in sectors composed mainly of small enterprises. The Committee recalls that, in its comments on the application of Convention No. 87, it has been calling for many years for the amendment of the following aspects of the legislation, which significantly restrict the capacity of workers to organize in unions: (i) the requirement of a minimum of 30 workers to establish unions and enterprise committees; and (ii) the impossibility of establishing first-level unions composed of workers

from different enterprises. The Committee noted with concern that these restrictions on the right to organize, combined with the absence of a legal framework for collective bargaining at the sectoral level, as alleged by the trade unions, appear to exclude any possibility for workers in small enterprises to exercise their right to collective bargaining. The Committee has previously requested the Government to provide information on the measures taken to promote collective bargaining in sectors of production composed mainly of small enterprises. The Committee notes that the Government refers to two Ministerial Decisions issued in 2024: (i) Decision MDT-2024-012, issuing the Regulations on labour organizations for the exercise of freedom of association and trade union independence; and (ii) Decision No. MDT-2024-080, issuing the Regulations on the presentation, negotiation and conclusion of collective labour agreements and transitional acts in the private and public sectors. However, the Government has not indicated how the Ministerial Decisions relate to the comments that the Committee has been making in the context of this Convention and Convention No. 87. The Committee notes the indication by PSI in Ecuador, the CEOSL and FETRAPEC that there are no branch collective labour agreements or accords that protect sectors in which the Government has denied the possibility to organize (which according to these unions represent over 90 per cent of the production units in the country). ***The Committee once again requests the Government to provide information on the measures taken to: (i) reduce the number of workers required to establish unions and enterprise committees; and (ii) enable the establishment of first-level unions composed of workers from different enterprises, in order to make collective bargaining possible in production sectors composed mainly of small enterprises.***

Application of the Convention in the public sector

Articles 1, 2 and 6. Protection of workers in the public sector who are not engaged in the administration of the State against acts of anti-union discrimination and interference. The Committee of Experts and the Committee on Freedom of Association (Case No. 3347) have requested the Government to take the necessary measures to ensure that the legislation applicable to the public sector includes provisions that explicitly protect the leaders of all organizations of public servants, and not only the leaders of committees of public servants (a specific mechanism for the representation of workers in the public sector), against acts of anti-union discrimination and interference, as well as provisions establishing penalties that are dissuasive in the event of such acts. The Committee notes the Government's reiterated indication that protection against acts of discrimination and the right to establish trade unions are set out in explicit legislative texts, both in the Political Constitution of the Republic and the Basic Public Service Act (LOSEP), which prohibits any act of discrimination against public servants. The Committee also notes the allegations made by PSI in Ecuador, the CEOSL and FETRAPEC that, in the public sector and in the context of the violence that is affecting the country, trade union leaders do not have a legislative framework that protects them from acts of discrimination in their individual recruitment or measures that guarantee their safety against threats related to the exercise of their freedom of association. The Committee once again emphasizes the importance of legislation that provides the same type of protection against possible acts of anti-union discrimination and interference for all leaders of all organizations of public servants equally. ***The Committee therefore once again urges the Government to take the measures indicated above and requests it to provide information in this respect.***

The Committee previously noted a ruling by the Constitutional Court issued in 2020 declaring unconstitutional the compulsory redundancy purchase mechanism (under which the public administration, in exchange for the payment of compensation, could unilaterally terminate the employment of public servants without the need to indicate the grounds for such termination), and it requested the Government to provide information on any action taken to comply with this ruling. The Committee ***regrets*** to note that the Government has not provided this information. The Committee notes the indications by PSI in Ecuador, the CEOSL and FETRAPEC that: (i) on 5 June 2024, the National Court of Justice issued ruling 10-2024, indicating that the finding that the administrative act of

purchasing the compulsory redundancy of a public servant is unconstitutional, in accordance with the constitutional ruling, implies that matters return to their previous state, for which reason the effects include reinstatement of the public servant, the payment of unpaid wages; and that the public servant, in exchange, must return the total amount of the compensation for the purchase of compulsory redundancy, the value of which will be offset from the amount to be reimbursed by the public authority; (ii) in response to a petition for clarification concerning the interpretation of ruling 10-2024, two judges of the Administrative Dispute Chamber of the National Court of Justice indicated that it is only applicable in the case of public servants who have submitted an administrative dispute action that is still under consideration; and (iii) the majority of those who were dismissed did not appeal to the Administrative Dispute Chamber, and those that did saw their challenges set aside, shelved or declared in abeyance. ***Recalling that the trade union organizations have alleged that the compulsory redundancy purchase mechanism in the public sector was applied for at least eight years with a clear anti-union intent, the Committee once again requests the Government to provide information on any challenges brought under the 2020 ruling and ruling 10-2024 of the National Court of Justice.***

Articles 4 and 6. Collective bargaining for public sector workers who are not engaged in the administration of the State. The Committee previously noted with concern that the Basic Reform Act and Ministerial Decision No. MDT-2018-0010 do not recognize the right to collective bargaining of public servants and that only public sector workers governed by the Labour Code could engage in collective bargaining. The Committee urged the Government, in consultation with the representative organizations of workers, to take the necessary measures to establish adequate collective bargaining machinery for all categories of public sector employees covered by the Convention. The Committee notes the Government's indication that only the enterprise committee is empowered to conclude collective agreements and that for the conclusion of collective agreements it is necessary to obtain favourable budgetary certification in the public sector, as set out in the respective legislation and the Labour Code, and other related texts. The Committee notes the indication by PSI in Ecuador, the CEOSL and FETRAPEC that, during the period between December 2023 and the middle of 2024, some 22 collective agreements were concluded in the public sector and that this low number of collective agreements is a result, among other factors, of the fact that only the special committees composed of employed persons classified as manual workers may conclude collective agreements and that it is necessary to obtain favourable budgetary certification. PSI in Ecuador, the CEOSL and FETRAPEC add that: (i) in ruling No. 68-20-IN/24, handed down on 27 June 2024, the Constitutional Court set aside a challenge to find unconstitutional section 26 of the Basic Act on Public Enterprises (LOEP), which excludes public servants from collective bargaining in public enterprises (the Court found that the legislation makes a distinction between manual workers and other public servants and explicitly establishes clear differences between them, and that as collective bargaining in the public sector is only intended for workers governed by the Labour Code, the prohibition set out in section 26 of the LOEP lies within the margin of discretion of the legislator); and (ii) the final resolution of Case No. 3564-22-JP is pending before the Constitutional Court in which in the first instance and on appeal, the courts ordered the National Telecommunications Corporation to apply the Labour Code to public servants and include them within the benefits of collective bargaining. PSI in Ecuador, the CEOSL and FETRAPEC allege that two Ministerial Decisions issued in 2024 amount to a further attack on collective bargaining in the public sector, namely: (i) Decision MDT 039 on the setting of the remuneration of public servants and "workers" in public sector entities; and (ii) Decision MDT 080, which requires a favourable opinion of the Ministry of Finance for the conclusion of collective agreements in the public sector that have already been negotiated by the parties, and sets in motion a process of the unilateral revision of collective agreements and transactional acts, including the exclusion from the benefits of these agreements of workers classified as public servants. The Committee notes all these developments and once again expresses ***concern*** at the absence of recognition of the right to collective bargaining of public servants, despite the fact that many of them (public sector teachers, employees in the public health system,

employees in public enterprises, municipal services and decentralized bodies, etc.) are not engaged in the administration of the State and therefore have to benefit from the guarantees provided by the Convention. The Committee once again ***regrets*** that, despite its requests, the Government has not taken specific initiatives for the re-establishment of the rights referred to above. ***Recalling once again that there are mechanisms that permit the harmonious coexistence of the mission of the public sector to serve the public interest and the responsible exercise of collective bargaining, the Committee once again firmly urges the Government, in consultation with the representative organizations of workers, to take the necessary measures to establish adequate collective bargaining machinery for all categories of public sector employees covered by the Convention. The Committee requests the Government to report any developments in this respect. It also requests the Government to provide information on the impact of the Ministerial Decisions referred to above.***

The Committee expresses its deep concern regarding the complete absence of consideration of its requests made over many years to address the serious shortcomings in the application of the Convention observed in both the public and private sectors. While noting the persistence of numerous allegations of anti-union discrimination, the Committee deeply regrets that no legislative amendments have been made or considered to prohibit anti-union discrimination in recruitment processes or to ensure that provisions with dissuasive sanctions against anti-union discrimination and interference in the public sector protect the leaders of all public service organizations. The Committee also notes with deep concern that: (i) the combination of severe legislative restrictions on the right to organize, as noted in its comments on the application of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the high threshold of representativeness required for collective bargaining, and the lack of a legal framework for sectoral collective bargaining alleged by the trade union organizations, effectively prevent, both in law and in practice, the vast majority of the country's private sector workers from exercising their right to collective bargaining; and (ii) the current legislation in the public sector excludes most public sector workers covered by the Convention from the right to collective bargaining. In these circumstances, the Committee considers that this case meets the criteria set out in paragraph 90 of its General Report to be asked to be submitted to the Conference.

[The Government is asked to supply full particulars to the Conference at its 113th Session and to reply in full to the present comments in 2025.]

Egypt

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1957)

Previous comment

The Committee takes note of the observations made by the International Trade Union Confederation (ITUC) received on 17 September 2024. It further takes note of the observations of the Trade union Committee for the Workers in Suez Canal Clubs dated 20 March 2024 and the parallel report transmitted by the Solidarity of Trade Unions Federation on behalf of a number of Egyptian trade unions on 22 August 2024, in relation to the application of the Convention in law and in practice. The Committee notes the Government's reply thereto received on 24 November 2024, which the Committee will examine with the Government's next report.

Article 2 of the Convention. Right of workers to establish and join organizations of their own choosing. Application in law and in practice. The Committee recalls from its previous comments the Government's creation of a legal and technical committee reporting directly to the Minister of Manpower (now Ministry of Labour), mandated with examining all problems facing union organizations that had failed to regularize and then offering the required technical support. Having noted numerous challenges to

registration that had been raised by the ITUC and other unions, the Committee requested the Government once again to provide detailed information on the number of trade union registration applications received overall, the number of registrations granted, the reasons for any refusals to grant, as well as information on the average time taken from filing to registration.

The Committee notes from the latest information provided by the ITUC and the Solidarity of Trade Unions Federation that a number of Federations, Professional Unions and Unions of Workers still have yet to be registered despite the completion of their documents and procedures. The ITUC states that the number of independent trade unions in Egypt has decreased from 1,500 to only about 150 since 2018. The Committee notes the Government's reply concerning the steps taken to facilitate the registration of unions that had met obstacles in their requests, including the development of an action plan to hold an urgent workshop comprising representatives of the ILO office in Cairo, specialists at the Ministry's general office, labour directorates against which complaints have been received, and representatives of trade union organizations (complainants), in the presence of legal and trade union experts, to provide the necessary technical assistance to all parties. A fixed day in the first week of each month is set for the meeting of the Standing Committee to examine complaints submitted by trade union organizations and those which failed to complete the registration process. The Committee further notes the information provided by the Government concerning the status of several organizations whose requests were still pending, and the indication that the Trade Union Committee of Workers in the Qus Educational Administration, Trade Union Committee for Real Estate Tax Workers in Fayoum and the Trade Union Committee of Real Estate Tax Workers in Ismailia have been registered and are carrying out their activities without interference. As regards the number of registered trade unions, the Government indicates that there is currently 1 trade union federation, 29 General Unions, 2 general unions not affiliated with the Federation, a total of 2,245 registered trade union committees, including 2,084 trade union committees affiliated to the general Federation and 63 union committees that are not affiliated with the General Federation. The Government also indicates that the average time for registration is between 3 and 5 working days if the papers are completed. Finally, the Government indicates that there are also some trade union organizations which are considering the establishment of a union at the level of the Republic or a new general union. According to the Government, this confirms that the trade union movement in Egypt enjoys freedom of association in its most important aspects. ***While welcoming the efforts made by the Ministry to facilitate the resolution of pending requests for registration, which in several cases have been pending for more than two years, the Committee encourages it to accelerate its efforts so that the remaining organizations awaiting registration can receive their certificates of legal personality without delay and be able to exercise fully their trade union activities***.

Trade union monopoly by decree. The Committee recalls that it had previously noted with deep concern the ITUC's allegations that the Trade Union Committee of Workers in Bibliotheca Alexandrina registered in September 2022 found its legal status immediately challenged by a "Fatwa" (advisory opinion) from the State Council claiming the illegality of their organization due to the existence of another Egyptian Trade Union Federation (ETUF)-affiliated trade union in parallel. The Committee notes the Government's affirmation that the existence of a trade union committee at an enterprise is not considered to be an obstacle to the establishment of another committee in the enterprise or institution and that there are many cases to confirm this. The Government adds that the legal value of the fatwa in the Egyptian national context is that it serves as an "advisory opinion" and is not binding on any party, not even on the applicant requesting an opinion or a fatwa. The Ministry tried to intervene with the employer in this case explaining that the fatwa was contrary to law and that the trade union committee was recognized by the Ministry but received no response. The Ministry has thus resorted to the highest authority, the General Assembly of the Fatwa and Legislation Departments of the State for it to issue another fatwa repealing the fatwa issued. In the meantime, the Ministry invites the representatives of the Trade Union Committee concerned to attend tripartite dialogue sessions at the national level, and

those of the Supreme Council for Social Dialogue and ensures their participation in all labour or tripartite activities with the Government and employers. The Ministry will again expedite the issuance of the fatwa of repeal and expects that a positive result can be issued in the near future. ***The Committee welcomes the steps taken by the Government to resolve this serious violation of the Convention and trusts that the matter will soon be resolved. It requests the Government to provide detailed information on developments in this regard.***

Minimum membership requirements. The Committee recalls its previous comments requesting the Government to review, with the social partners, the minimum membership requirement to form a trade union of 50 workers for the formation of a trade union committee at enterprise level, ten union committees and 15,000 members for a general union and seven general unions and 150,000 members for the establishment of a trade union federation (namely, a confederation). The Committee notes the Government's reiteration that these requirements are not prohibitive and that it has not received any complaint in this regard. It indicates however that it has again referred the issue to the Supreme Council for Social Dialogue which concluded that a study should be prepared on the experiences of similar countries and best practices in countries which resemble Egypt as to the size of the labour force for re-submission to the Supreme Council for Social Dialogue, as soon as it is restructured. ***The Committee invites the Government to avail itself of ILO technical assistance in this regard and requests that it provide information on developments in relation to this matter including any steps taken to ensure that the minimum membership requirements do not impede the rights of all workers at all levels to form and join the organization of their choosing.***

Article 3. Right of workers' organizations to organize their administration without interference and to enjoy the benefits of international affiliation. The Committee recalls that it requested the Government to bring section 41.1 and 41.4 of the Trade Union Law which set out conditions for trade union office, including the requirement to read and write as well as matters related to military service into conformity with the Convention. The Committee notes from the Government's report that it had proposed to delete these two items and simply indicate that it would be preferable for the conditions to be set out in the trade union bylaws while the majority of workers' representatives preferred to keep these conditions in the law. The Council concluded by postponing its decision on the issue and decided to submit it once again to the Supreme Council for Social Dialogue, in its new composition. ***The Committee once again requests the Government to take the necessary measures to bring these provisions into conformity with the Convention and requests that it provide information on progress made in this regard.***

The Committee recalls that its previous comments concerned: sections 30 and 35 of the Trade Union Law, which set out the competencies of executive committees and the election procedure for general assemblies; section 42, concerning detailed rules on the membership of executive committees and their functions; and section 58 which makes the accounts of organizations subject to the control of a central accounting body amounting to interference in their administration, read with section 7 which empowers the Minister in vague and broad terms with the authority to request the competent labour court to hand down a decision to dissolve the administrative board of a trade union organization if there is a violation of the law or a perpetration of gross financial or administrative violations. The Committee notes the explanations given by the Government as to the aim of these provisions and its indication that they have not hindered the activities of trade unions, and that section 7 has never been resorted to. As the Supreme Council for Social Dialogue was unable to examine the amendment of these provisions, the matter will be presented to its first meeting after its new composition. ***The Committee expects that the necessary steps will be taken to amend these provisions as appropriate to ensure the right of workers' organizations to organize their administration and activities without interference and requests the Government to provide information on all developments in this regard.***

Trade union elections. In its previous comments, the Committee noted the ITUC's allegations that in 2022, many trade unions could not proceed with their internal elections as their application for registration was still pending and that the Supreme Committee established by Ministerial Decree No. 61

was clearly under the control of the Government and had simply annulled the candidacy for trade union elections of no fewer than 1,500 trade unionists, often for the benefit of ETUF candidates. The Committee notes the Government's indication that these allegations were baseless as the Supreme Committee was subsequently abolished in the same year by Ministerial Decree No. 72 and had never been convened due to the questions of its independence. As regards the specific allegations of candidates being excluded from elections, the Government states that such situations can be appealed to the courts and each and every case would need to be examined. ***The Committee invites the Government to review any specific cases of interference in trade union elections within the framework of the legal and technical committee established at the Ministry and to consider any remedial measures necessary within the framework of the Supreme Council for Social Dialogue.***

The Committee further notes the serious allegations of interference in the elections of the executive board of the Union of Workers in the Clubs of the Suez Canal Authority resulting in its being considered non-existent, the employer ceasing all communication with the union, effectively freezing its activities and the Union's President being subject to a disciplinary investigation. The Committee notes the Government's reply that all steps were taken in accordance with the law. The Committee further notes, however, the Ministry's indication that it will invite the representative of the Trade Union Committee to a meeting to discuss the matters raised and its welcoming of any technical support or advice to any trade union organization within the framework of the Law which relates to trade union organizations, and the protection of the right to organize, and the basic bylaws of the organization. ***The Committee requests the Government to provide information on developments in this regard.***

Labour Code. The Committee has been noting for a number of years that a draft Labour Code was transmitted to the Manpower Committee of the Parliament for debate. In reply to the Committee's considerations in relation to the right to strike, the Committee had noted the Government's indication that its comments would be presented to the Supreme Council for Social Dialogue for discussion and be taken into account in the draft law when discussed by the House of Representatives. The Committee further observes the concerns raised by the ITUC and the Solidarity of Trade Unions Federation about several arbitrary arrests and detentions of workers for having exercised their right to strike and the overly broad definition of essential services. ***The Committee notes that the Government has sent the draft to the ILO for technical review and trusts that these concerns will be addressed in the final version of the draft submitted to the House of Representatives.***

The Government further informs that in July 2024, the Council of Ministers approved the re-composition of the Supreme Council for Social Dialogue under the name the Supreme Council for Social Consultation at Work with equal representation of the three partners, including the representation of trade union organizations which are not affiliated with the General Federation of Egyptian Trade Unions, the participation of representatives of the National Council for Women, persons with disabilities, human rights, motherhood and childhood, and a number of independent experts. The Council has an independent budget, a unit for research and studies, and a technical secretariat to carry out its tasks. Furthermore, it may establish subsidiary councils in the governorates. ***The Committee welcomes the institutionalization of the Supreme Council for Social Consultation at Work and trusts that it will soon finalize the review of the draft Labour Code for re-submission to the House of Representatives. The Committee expects that the Government will soon be in a position to inform the Committee of the adoption of the Labour Code and trusts that, in its final form, the Code will ensure full conformity with the Convention.***

As regards the work on a law regulating domestic work, the Committee notes the Government's indication that the draft is still under discussion with the social partners, specialized bodies and agencies. The Government adds that domestic workers are not excluded from the provisions of the current labour code and that this will be directly clarified in the new draft. ***Recalling the importance of ensuring the right to organize for domestic workers within the meaning of the Convention, the Committee trusts that the necessary steps will be taken to ensure their coverage under the draft***

Labour Code, coupled with, as appropriate, the draft law regulating domestic work. It requests the Government to provide copies of these laws as soon as they are adopted.

El Salvador

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2006)

Previous comment

The Committee notes the observations of the Trade Union Confederation of Salvadoran Workers (CSTS), received on 31 August 2024, which refer to issues raised in the present comment. The Committee also notes the observations of the International Organisation of Employers (IOE), received on 1 September 2024, which reiterate the comments made in June 2024 in the Conference Committee on the Application of Standards (Conference Committee) on the application of the Convention by El Salvador. The Committee also notes the joint observations of the CSTS, the National Confederation of Salvadoran Workers (CNTS), the Autonomous Federation of Salvadoran Workers (CATS) and the Single Confederation of Salvadoran Workers (CUTS), received on 4 September 2024, as well as the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024, which relate to issues raised in the present comment.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion which took place in the Conference Committee at the 112th Session (June 2024) of the Conference and observes that the Conference Committee: (i) noted with concern the allegations of ongoing violations of the Convention by the Government, including the absence of tangible progress in the investigations into the murders of trade unionists and reported acts of harassment against an employers' organization (National Business Association – ANEP); and (ii) expressed concern regarding the allegations of interference by the authorities in the appointment of employers' and workers' representatives in public tripartite and joint bodies. The Conference Committee urged the Government, in consultation with independent and representative employers' and workers' organizations, to:

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and adopt measures to ensure that such acts are not repeated;
- re-ensure respect for the freedom of workers and employers to constitute the organizations of their choosing, organize their administration and activities and formulate their programme of action without interference from the public authorities;
- expedite and conclude the ongoing investigations into the murders of trade union leaders with a view to establishing the facts, determining culpability and punishing the perpetrators;
- provide detailed information on the content and status of the parliamentary process of the proposed reform to the Penal Code, the consultation processes with social actors that exist in relation to this initiative and the results obtained;
- expedite the processes of registration of, and issuing credentials to, trade union executive committees (boards) to ensure the right of workers' and employers' organizations to establish and elect their representatives in full freedom;
- repeal the legal obligation for trade unions to request the renewal of their legal status every 12 months;

- reactivate, without delay, the Higher Labour Council (CST) to ensure the full participation of workers' and employers' organizations in social dialogue and tripartite consultation;
- develop a time-bound road map to implement without delay all recommendations made by the ILO high-level tripartite mission of 2022 and the Committee's previous recommendations relating to the Convention;
- send information on the institutional change from the Salvadoran Vocational Training Institute (INSAFORP) to the Vocational Training Institute (INCAF) and ensure that INCAF has a tripartite structure.

The Committee notes the Government's indication that the right of association to defend the interests of professional and trade union associations is a key issue and that, given the significant transformation process it has been experiencing since 2019, the Government has focused on ensuring security, and also creating employment and generating investment. The Government points out that it has respectfully addressed the allegations raised by ANEP, whose discourse reiterates objectives that are irrelevant in a context which is fully open to the social and productive freedom of employers in the country. The Government indicates that there are no acts of harassment, violence or discrimination against ANEP and that proof of this is that the allegations against the Government are contrary to what has been publicly expressed by representatives of the ANEP member unions, who have endorsed the Government's administration. The Government also points out that the executive committee freely and democratically elected by ANEP in accordance with its own constitution for the 2022–24 period has performed its function both within the association and in different public forums without interference or harassment.

While noting these indications, the Committee observes that the Conference Committee noted with concern reports of acts of harassment against ANEP and also recalls that these issues are being examined by the Committee on Freedom of Association (CFA) in Case No. 3380. The Committee notes that the CFA, in its last examination of the case, urged the Government to take the necessary measures, including those in follow-up to the conclusions and recommendations of the high-level tripartite mission and of the ILO supervisory bodies, to ensure full respect for the autonomy of ANEP and the recognition of its representatives, as well as of this employers' organization as a social partner, in order to go on promoting the full participation of ANEP in social dialogue. ***The Committee firmly hopes that the Government will implement the recommendations of the Committee on Freedom of Association (408th Report, October 2024) and requests the Government to provide information on the measures taken in this regard. In the same way as the Conference Committee, the Committee urges the Government to immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and to take steps to ensure that there is no recurrence of such acts. The Committee requests the Government to provide information in this regard.***

Trade union rights and civil liberties. The Committee notes the Government's indication that the investigation into the murder of Mr Victoriano Abel Vega, which took place in 2010, is still under way. The Committee observes that the ITUC, CNTS, CSTS, CATS and CUTS point out that no action has been taken so far towards ensuring that the perpetrators and instigators are brought to justice. The Committee observes that the CFA, in its last examination of Case No. 2923, deplored the absence of information on tangible progress towards the resolution of the case more than 14 years after the murder, and firmly urged the Government and all the competent authorities, in a coordinated manner and as a matter of urgency and priority, to make all the necessary efforts to expedite and conclude the investigations under way in order to identify and punish as soon as possible both the instigators and the perpetrators of the murder of Mr Victoriano Abel Vega. The Committee refers to the recommendations of the CFA in this case (Report No. 407, June 2024). With regard to the murder of the

trade union leader Mr Weder Arturo Meléndez Ramírez, the Government indicates that the perpetrators of the murder have been identified and the criminal proceedings are at the preliminary stage, with a final judgment still to be handed down. The Committee observes that the CFA, in its last examination of Case No. 3395, expressed the hope that the criminal proceedings under way would enable both the instigators and perpetrators of the murder of Mr Meléndez to be identified and punished without delay. The Committee refers to the recommendations of the CFA in this case (Report No. 408, October 2024). The Committee recalls that the CFA noted, in the context of Case No. 3395, that the Government had referred to a proposal to reform the Penal Code which had been drawn up by the Ministry of Labour and Social Welfare, with the aim of improving the protection of freedom of association of trade union leaders and members. The Committee invited the Government to provide information in this respect. The Committee observes that the CFA, in its last examination of the case, referred to the Committee for follow-up of the handling of this initiative. ***Once again underlining the importance of having a legislative framework which enables prompt and deterrent penalties to be imposed on acts of anti-union violence, the Committee requests the Government to provide information on the status of the handling of the initiative in question.***

The Committee notes that the CNTS claims there is a latent threat against the trade union movement: (i) in mid-2022, following an anonymous call to the National Police, Ms Dolores Almendares, general secretary of the Cuscatancingo San Salvador Centro Employees' and Workers' Union and member of the CNTS executive committee, was arrested and detained for 7 months; (ii) at the end of 2018, the National Police arrested Mr José Hever Hernández Chacón, general secretary of the El Salvador Federation of Independent Workers' and Commercial Unions, who remained in detention and died without a letter of release having been implemented; (iii) Mr José Leonidas Bonilla, a trade unionist at the mayor's office of Mejicanos, was arrested on 26 April 2022, following an anonymous call identifying him as a member of unlawful associations, and died in detention in September that year without a letter of release, signed by a judge, having been implemented; and (iv) Mr Sabino Ramos, member of the executive committee of the Workers' Union of the Mayor's Office of Panchimalco and member of the executive committee of the El Salvador Federation of Municipal Workers, was arrested on 28 April 2022 and is currently in custody. The Committee expresses its ***concern*** at the seriousness of these allegations. ***Recalling that the arrest and detention of trade union leaders and members for the exercise of legitimate trade union activities constitute a serious obstruction of their rights and a violation of freedom of association, and underlining the importance of ensuring guarantees of due process, the Committee requests the Government to provide its comments in this respect.***

Articles 2 and 3 of the Convention. Pending legislative reforms. For many years the Committee has been asking the Government to take the necessary steps to amend the following legislative and constitutional provisions:

- articles 219 and 236 of the National Constitution and section 73 of the Civil Service Act, which exclude certain categories of public servants from the right to organize (members of the judiciary, public servants who exercise decision-making authority or are in managerial positions, employees with duties of a highly confidential nature, private secretaries of high-ranking officials, diplomatic representatives, assistants in the Public Prosecutor's Office, auxiliary employees, assistant prosecutors, labour prosecutors and delegates);
- section 204 of the Labour Code, which prohibits membership of more than one trade union, so that workers who have more than one job in different occupations or sectors are then able to join different trade unions;
- sections 211 and 212 of the Labour Code (and the corresponding provision of the Civil Service Act in respect of unions of public service employees), which establish, respectively, the requirement of a minimum of 35 members to establish a workers' union and a minimum of

seven employers to establish an employers' organization, so that these requirements no longer hinder the establishment of workers' and employers' organizations in full freedom;

- section 219 of the Labour Code, which provides that, in the process of registering the union, the employer must certify that the founding members are employees, so as to ensure that the list of the applicant union's members is not communicated to the employer;
- section 248 of the Labour Code, which requires a waiting period of six months for a new attempt to establish a trade union when its registration has been refused;
- article 47(4) of the National Constitution, section 225 of the Labour Code and section 90 of the Civil Service Act, which establish the requirement to have attained the age of majority and to be a national of El Salvador by birth in order to hold office on the executive committee of a union, which are excessive restrictions on the right of workers to elect their representatives in full freedom. In this regard, the Committee notes that the ITUC, CNTS, CSTS, CATS and CUTS all indicate that the requirement to be a national of El Salvador by birth prevents migrant workers from Honduras and Nicaragua who work in the construction industry and agriculture from holding union office;
- article 221 of the National Constitution, so as to limit the prohibition of the right to strike in the public service to officials exercising authority in the name of the State and those who perform their duties in essential services in the strict sense of the term (while recalling that it is also possible to restrict the exercise of the right to strike through the establishment of minimum services in public services of fundamental importance);
- section 529 of the Labour Code, so that when a decision is taken to call a strike, only the votes cast are taken into account, and also that the principle is recognized of the freedom to work of non-strikers and the right of employers and managerial staff to enter the premises of the enterprise or establishment, even where the strike has been decided upon by an absolute majority of the workers;
- section 553(f) of the Labour Code, which provides that strikes shall be declared unlawful "where inspection shows that the striking workers do not constitute at least 51 per cent of the staff of the enterprise or establishment".

In addition, recalling that prison staff must have the right to organize, the CFA and the Committee have asked the Government to take the necessary measures to ensure full respect of the right of prison staff to organize (Report No. 392, Case No. 3321, October 2020).

In its last comment, the Committee noted the Government's indication that the constitutional and legislative reforms referred to above, including the reform of the Labour Code, were under examination by the Legislative Assembly. The Committee notes the Government's indication that in 2022 and 2023 various sections of the Labour Code were reformed which are not concerned with matters relating to the Convention. The Government highlights the work of the Trade Union Office, which provides legal support for trade unions, and indicates that in 2022–23 the National Department of Trade Unions (DNOS) granted legal personality to 41 new trade union organizations (three federations, 18 trade unions and 20 union branches).

While noting these indications, the Committee notes with ***regret*** that the Government does not refer to the adoption of any measures to revise the numerous constitutional and legislative provisions referred to above. The Committee notes that the ITUC, CNTS, CSTS, CATS and CUTS: (i) emphasize that it is vitally important that the requested reforms be implemented as soon as possible; and (ii) state that the Legislative Assembly working committee was dissolved on 1 June 2024 and that it is not known so far which of the established committees will deal with the topics that came under that committee's mandate, and so any reform that had been addressed by the dissolved committee might be shelved. ***Emphasizing the extended number of years that the Committee has been raising these legislative matters, the Committee strongly urges the Government to take the necessary steps, after tripartite***

consultations, to ensure that the provisions referred to above are in conformity with the Convention and to provide information on this matter.

Application of the Convention in practice. While noting the Government's indications regarding the work of the Trade Union Office and the DNOS, the Committee notes that the ITUC, CNTS, CSTS, CATS and CUTS raise a number of concerns regarding the process of registration, the election of trade union executive committees and the issuing of credentials. Specifically, the unions indicate that: (i) one of the biggest obstacles to the exercise of freedom of association is the obligation to hold elections every year for the executive committees of all unions, federations and confederations; (ii) the discretionary delay in issuing credentials to union executive committees (currently more than six months) continues to cause serious damage to the organizations (the CSTS refers to the unjustified delay in relation to organizations that try to be independent of the political activities organized by the Government); and (iii) the DNOS imposes arbitrary requirements, not laid down in the Constitution or the law, with regard to the registration of union executive committees and the issuing of credentials to them, including the requirement to provide payslips and individual identity documents for executive committee members, and that the procedure for the registration or modification of executive committees used to be free of charge and is now subject to payment. The Committee recalls that the CFA has had occasion to examine allegations of excessive requirements for the registration of union executive committees in El Salvador (Case No. 3136, Report No. 377; Case No. 3258, Report No. 389) and has referred to the need to review the rules applicable to the registration of executive committees to guarantee the right of organizations to elect their representatives in full freedom and to ensure a swift process. The Committee refers to the recommendations made by the CFA in these cases. ***In the same way as the Committee on Freedom of Association (CFA) and the Conference Committee, the Committee urges the Government to speed up the processes of registration and issuing of credentials for union executive committees in order to guarantee the right of workers' and employers' organizations to establish and elect their representatives in full freedom. The Committee once again requests the Government to provide statistical information on the status of procedures for the registration of the executive committees of employers' and workers' organizations.***

Reactivation of the Higher Labour Council (CST) and appointment of worker and employer representatives to INCAF. The Committee notes with ***regret*** that the Government makes no reference in its report to the Conference Committee's conclusions regarding the reactivation of the CST and the tripartite structure of INCAF. The Committee notes that the ITUC, CNTS, CSTS, CATS and CUTS indicate that: (i) the CST last met on 5 May 2022; and (ii) INCAF, established after the dissolution of INSAFORP (which had a tripartite structure), only has representatives from the Government. ***In the same way as the Conference Committee, the Committee urges the Government to reactivate the CST without delay in order to ensure the full participation of employers' and workers' organizations in social dialogue and tripartite consultations and to ensure that INCAF has a tripartite structure.***

The Committee notes that the trade union organizations referred to above agree in their allegations that there are serious restrictions in law and in practice, and also a lack of genuine social dialogue, which obstruct the development of a free and autonomous trade union sphere and restrict freedom of association. ***The Committee expresses its concern on this matter and urges the Government, in consultation with the social partners, to adopt all the measures that it was urged to adopt by the Conference Committee. The Committee requests the Government to provide information on all progress made on the implementation of these measures and reminds the Government that it may still avail itself of ILO technical assistance.***

[The Government is asked to reply in full to the present comments in 2025].

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 2006)

Previous comment

The Committee notes the observations of the International Organisation of Employers (IOE), which were received on 13 October 2020, endorsing the comments of the National Business Association (ANEP), which refer to issues examined by the Committee in the context of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Article 1 of the Convention. Adequate protection against anti-union discrimination. In its previous comments, the Committee emphasized the importance of reforming penalties for anti-union discrimination in order to ensure their deterrent effect. The Committee notes the Government's indication that Legislative Decree No. 519, published in the Official Journal of 31 October 2022, amends section 627 of the Labour Code, which establishes fines of up to 12 minimum wage equivalents, in industry, commerce and the services sector, for each of the offences specified in Books I, II and III of the Code, and other related labour legislation, which did not establish any special penalties. The fines vary according to the size of the enterprise, the seriousness of the offence, the intent, and the injury caused. While welcoming this change in the legislation, the Committee notes that the Government has not provided any information on the classification of fines according to the seriousness or types of offences involving acts of anti-union discrimination. ***The Committee requests the Government to provide information on this matter, and on the application in practice of the imposition of fines for acts of anti-union discrimination.***

Furthermore, in its previous observation, the Committee emphasized that even though the staff of municipal authorities are not covered by the Labour Code, this does not release the Government from its responsibility to guarantee adequate protection against anti-union discrimination for this category of workers. The Committee notes that the Government once again provides information on the existing legal framework: indicating that municipal authority workers can currently file complaints with the Attorney-General's Office, the Human Rights Protection Office and the Public Prosecutor's Office; reiterating that the Ministry of Labour and Social Welfare (Ministry of Labour) is obliged to refrain from carrying out inspections of the municipal authorities (except for inspections relating to the General Occupational Risk Prevention Act); and noting the need to amend the applicable legislation. In this regard, the Committee observes that the Committee on Freedom of Association (CFA) asked the Government to take the necessary steps, including legislative measures if necessary, in consultation with the representative social partners from the sector, to ensure that the staff of municipal authorities have access to adequate mechanisms for protection against acts of anti-union discrimination (see 389th Report, June 2019, Case No. 3284), in which the CFA referred the legislative aspects of the case to the Committee). ***Recalling its previous comments in the context of the application of the present Convention and of the Labour Relations (Public Service) Convention, 1978 (No. 151), on the need to introduce legislative reforms to ensure that all public workers covered by these Conventions enjoy adequate protection against anti-union discrimination, the Committee requests the Government to revise the legal framework, in consultation with the representative organizations in the sector, to ensure that municipal authority workers have access to adequate protection against acts of anti-union discrimination, and to provide information on any developments in this regard.***

Articles 2, 4 and 6. Legislative issues pending for several years. For a number of years, the Committee has been making comments on certain provisions of domestic law with the aim of bringing them into full conformity with *Articles 2, 4* and *6* of the Convention:

- acts of interference: section 205 of the Labour Code and section 247 of the Penal Code, so that the legislation explicitly prohibits all acts of interference in the terms prescribed by *Article 2* of the Convention;

- requirements for negotiating a collective agreement: sections 270 and 271 of the Labour Code and sections 106 and 123 of the Civil Service Act, so that when one or more unions do not cover more than 50 per cent of the workers, collective bargaining rights are explicitly granted to the existing unions so that they, jointly or separately, can at least represent their own members;
- revision of collective agreements: section 276(3) of the Labour Code, so that the renegotiation of collective agreements while they are still in force is only possible at the request of both signatory parties;
- judicial remedies in the event of refusal to register a collective agreement: section 279 of the Labour Code, in order to clarify that appeals can be made against decisions of the Director-General involving refusal to register a collective agreement;
- approval of collective agreements concluded with a public institution: section 287 of the Labour Code and section 119 of the Civil Service Act, which regulate collective agreements concluded with a public institution, in order to replace the requirement for ministerial approval by a provision envisaging the participation of the budgetary authority during the process of collective bargaining, and not when the collective agreement has already been concluded;
- exclusion of certain categories of public employees: section 4(1) of the Civil Service Act, so that all public officials not engaged in the administration of the State enjoy the guarantees provided for in the Convention.

The Committee notes the information provided by the Government indicating that the Ministry of Labour, together with representatives of the unions, have set up a technical round table for the purpose of discussing and analysing the proposed reforms to the Labour Code. These reforms will subsequently be submitted to the employers for consideration before being referred to the Higher Labour Council.

The Committee welcomes this initiative and hopes that it will contribute to the reactivation of the Higher Labour Council as a tripartite social dialogue body, in which the pending legislative issues to which the Committee has repeatedly referred can be addressed comprehensively. ***Hoping to observe tangible progress in the near future, the Committee requests the Government to provide information on the status of these discussions and supply further details of the employers' and workers' organizations involved in the consultation process.***

Application of the Convention in practice. The Committee notes the information provided by the Government on the status of collective bargaining in the country, indicating that: (i) there are 23 collective agreements in force in the public sector (of which 9 have been extended); and (ii) a total of 21,590 workers in the public sector are covered by collective bargaining. The Committee also welcomes the Government's indication, in its report on the Collective Bargaining Convention, 1981 (No. 154), regarding the annual award of the "collective negotiation prize", which the Ministry of Labour is implementing to promote a culture of dialogue, collaboration and mutual respect. The Committee notes this information but observes that it does not contain any details of collective agreements in the private sector. The Committee also observes that, according to available ILOSTAT data, the coverage rate for collective bargaining in the country was 4.6 per cent in 2018. The Committee considers that this low coverage rate may stem from the restrictive requirements established by the legislation for engaging in collective bargaining, as referred to above. ***The Committee therefore requests the Government to provide information on all legislative and practical measures taken to promote the full development and use of collective bargaining. The Committee also requests the Government to continue providing information on the number of collective agreements concluded and in force, indicating which relate to the private sector and which to the public sector, and also on the number of workers covered by these agreements.***

Labour Relations (Public Service) Convention, 1978 (No. 151) (ratification: 2006)

Previous comment

Article 1 of the Convention. Public servants excluded from the guarantees of the Convention. In its previous comments, the Committee observed that sections 4(k) and (l) of the Civil Service Act (LSC) exclude certain categories of public employees from the guarantees of the Convention. The Committee notes the Government's indication that a draft updated version of the Labour Code is currently under examination and that it takes the Committee' recommendations into account, which will subsequently make possible the amendment of the LSC. In this regard, the Committee recalls that under *Article 1* of the Convention, the only categories of public employees in respect of which national laws or regulations may determine the extent to which the guarantees provided for in the Convention shall apply are: (i) high-level employees whose functions are normally considered as policy-making or managerial; (ii) employees whose duties are of a highly confidential nature; and (iii) the armed forces and the police. ***While noting the draft updated version of the Labour Code indicated by the Government, the Committee requests the Government to swiftly take the necessary measures to revise the LSC to ensure that all public employees covered by the Convention effectively enjoy its guarantees. The Committee requests the Government to provide information of any developments in this regard.***

Article 4. Protection against anti-union discrimination and against acts of interference. In its previous comment, the Committee noted the absence of specific provisions in the LSC related to protection against anti-union discrimination and acts of interference. The Committee notes the Government's indication that section 47 of the Constitution, sections 32(j) and (m) of the LSC and the ruling for protection of constitutional rights No. 433-2005 of the Constitutional Chamber of the Supreme Court of Justice govern protection against any act of anti-union discrimination in the public administration. The Committee duly notes the content of section 47 of the Constitution and, in particular, of section 32 of the LSC, which prohibits discrimination against public servants on grounds of their membership of a trade union, or reprisals taken against them on the same grounds. While observing that the cited legislation governs protection against anti-union discrimination for trade union leaders and members in general, the Committee nonetheless observes that the LSC contains no provisions which: (i) define applicable penalties in the event of anti-union discrimination against trade union leaders and members in general; and (ii) prohibit acts of anti-union interference. The Committee recalls once more the need for the national legislation to contain an explicit prohibition of any act of anti-union discrimination against public employees, and against any act of interference by the public authorities in the establishment, operation or administration of organizations of public employees, and for such acts to give rise to dissuasive sanctions. ***The Committee therefore requests the Government, in consultation with the representative organizations concerned, to take the necessary measures to adopt legal provisions expressly prohibiting acts of anti-union interference in the public administration, and to establish dissuasive sanctions both for such acts and also for anti-union discrimination. The Committee requests the Government to provide information on all progress in this regard.***

Article 6. Facilities to be afforded to public employees' organizations. In its previous comment, the Committee observed that the LSC does not contain provisions on facilities to be afforded to public employees' organizations and trusted that the current legislative reform would give full effect to the application of *Article 6* of the Convention. The Committee notes the Government's indication that: (i) the Criteria and Guidelines for the Provision and Administration of Trade Union Leave for Representatives of Public Servants in the Executive have been drawn up; and (ii) the Constitutional Chamber of the Supreme Court of Justice, through Decision No. 746-2011, establishes trade union leave for public employees. The Committee ***regrets*** that the Government has not provided information on the preliminary draft Public Service Bill which contains provisions respecting the facilities to be afforded to trade union representatives and that there continues to be no legal provision in place in this respect. ***The Committee requests the Government to report on any development concerning the preliminary***

draft Public Service Bill which contains provisions regarding the facilities to be afforded to public employees' organizations, as well as on other legal action to give full effect to the application of Article 6 of the Convention.

Article 8. Settlement of disputes. As El Salvador has ratified the Collective Bargaining Convention, 1981 (No. 154), in 2022, the scope of which covers the public service, the Committee refers to its comments on the application of that Convention in respect of this matter.

Eritrea

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 2000)

Articles 1, 2, 4 and 6 of the Convention. Legislative issues. The Committee recalls that, since its first examination of the application of the Convention by Eritrea in 2002, it has been requesting the Government to take the necessary measures to amend the legislation or adopt additional laws and regulations in order to: (i) recognize and guarantee the rights enshrined in the Convention to domestic workers and civil servants; and (ii) provide adequate protection against anti-union discrimination and acts of interference. In particular, it repeatedly requested the Government to:

- adopt regulations providing for the right of domestic workers to organize and bargain collectively, as the current legal framework, namely the 2001 Labour Proclamation and the 2015 Civil Code, do not explicitly grant them the protection provided for under this Convention, and section 40 of the Labour Proclamation indicates that a Labour Regulation will determine the scope of application of the Labour Proclamation as regards domestic workers;
- adopt legislation providing for the right of civil servants not engaged in the administration of the State to organize and bargain collectively (pursuant to section 3 of the 2001 Labour Proclamation, members of the civil service –except for civil servants in state-owned enterprises- are excluded from its scope, and pursuant to section 2176 of the 2015 Civil Code, they are excluded from the right to conclude collective agreements under the terms as provided for in section 2182 of the Civil Code, read in conjunction with sections 99–114 of the 2001 Labour Proclamation);
- extend the existing protection in the 2001 Labour Proclamation against anti-union discrimination and acts of interference to:

(a) explicitly cover acts of anti-union discrimination at the time of recruitment and all prejudicial acts during the course of employment (section 23 of the Labour Proclamation prohibits anti-union discrimination in general terms without referring to specific acts);

(b) provide for effective remedies and dissuasive sanctions against acts of anti-union discrimination and interference for all workers (section 28(3) of the Labour Proclamation provides for reinstatement in case of unjustified dismissal in relation to trade union leaders only and section 156(3) of the Labour Proclamation provides only for fines up until an amount not exceeding 1,200 Eritrean nakfa (approximately US$80) for the acts listed in section 118 of the Labour Proclamation, including acts of interference.

The Committee notes that the Government reiterates its previous observations and its reference to existing legal provisions which the Committee had noted but had not considered sufficient in relation to the guarantees foreseen in the Convention. It notes with ***regret*** that the Government does not provide any new information as regards any legislative measures in relation to the Civil Code, the Civil Service Code (according to the Government's previous indications in progress since 2002), the Labour Proclamation (as per the previous indications of the Government in progress since 2010) or the adoption of the Ministerial Regulation concerning domestic workers (as per the previous indications of the Government in progress since 2003). ***Recalling that it has been raising these issues for more than two***

decades, the Committee urges the Government to take all the necessary measures to draft and adopt legislation that takes into account the comments that the Committee has been making for years, with a view to giving effect to the principles of the Convention. The Committee encourages the Government to seek the technical assistance of the Office to make progress in this respect.

Articles 4, 5 and 6. Promotion of collective bargaining. Compulsory national service. In its previous comments, the Committee had noted that the compulsory national service continued to be of indefinite duration and contains both a military and a civilian component. In this respect, it noted the Government's indication that while conscripts are excluded from the right to collective bargaining during the service of purely military character, those who perform national service in state-owned enterprises have bargaining rights equal to that of other workers, and those who work in other civil sector positions can exercise their rights under the 2015 Civil Code. Recalling the restrictions in the Civil Code as regards collective bargaining for workers in civil service positions, it noted that all persons performing compulsory national service, with the probable exception of those assigned to work in state-owned enterprises, continue to be deprived of their right to collective bargaining.

The Committee notes that the Government merely reiterates it previous observations. It notes, that pursuant to the 2024 report of the UN Special Rapporteur on the Situation of Human Rights in Eritrea, the duration of the service continues to be indefinite, both in its military and civilian components, which it has been since the Government declared a state of emergency in 1998 (A/HRC/56/24, paragraph 28). ***Recalling the long-standing nature of this issue, the Committee once again urges the Government to ensure that Eritrean nationals are not denied their right to bargain collectively beyond the scope of the exceptions set out in Articles 5 and 6 of the Convention. The Committee once again requests the Government to provide information on any measures taken in this respect.***

Promotion of collective bargaining in practice. In response to its request for detailed information regarding the collective agreements concluded and in force, the Committee notes the Government's indication that there are currently 99 collective agreements in force covering 19,096 workers, including 10,865 men and 8,231 women. The Government also refers to 27 terminated, and 39 new collective agreements in 2024, and provides information as to the sectors concerned in which they were concluded (including textile, skin and shoes, transportation and communication, services, mining, chemical and metal, food and beverages). The Committee also notes the Government's information that the Department of Labour frequently conducts awareness-raising activities as regards collective bargaining. ***The Committee requests the Government to provide detailed information as regards the promotion of free and voluntary collective bargaining, and to continue to provide detailed and up-to-date information on the collective agreements concluded and in force, including the number of workers covered.***

Eswatini

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1978)

Previous comment

The Committee notes the observations received on 30 August 2024 from the International Organisation of Employers (IOE), on 17 September 2024 from the International Trade Union Confederation (ITUC) and on 19 September 2024 from Education International (EI), recalling and raising issues addressed by the Committee below. The Committee notes the Government's response to the observations made by the ITUC and EI, received on 2 December 2024, which it will examine at its next meeting.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion which took place in June 2024 in the Conference Committee on the Application of Standards (the Conference Committee) concerning the application of the Convention by Eswatini. The Committee notes that the Conference Committee noted with deep concern the deteriorating state of public order and its negative impact on trade union rights in the country as well as a culture of impunity for the perpetrators of crimes against trade unionists. The Committee observes that the Conference Committee urged the Government to take effective, urgent and time-bound measures to:

- refrain from the violent treatment, intimidation or harassment, including judicial harassment, of leaders and members of trade unions in the education sector conducting lawful trade union activities, including the Swaziland National Association of Teachers (SNAT) President and Secretary-General Messrs Mbongwa Dlamini and Lot Mduduzi Vilakati;
- release, quash convictions and drop all charges brought against individuals for having exercised lawful trade union activities and ensure the safe return home of all trade unionists living in exile, including the Secretary-General of the Swaziland Transport, Communication and Allied Workers' Union (SWATCAWU), Sticks Nkambule;
- conduct without delay independent investigations into: (1) alleged instances of intimidation, harassment or violence, including the murder of Mr Thulani Maseko and the persecution of Mr Mbongwa Dlamini, with a view to determining culpability and punishing the perpetrators and instigators of these crimes; and (2) investigate violence and interference by the police in lawful, peaceful and legitimate trade union activities and hold accountable those responsible;
- ensure that employers' and workers' organizations, including the Trade Union Congress of Swaziland (TUCOSWA), the SNAT and the SWATCAWU, are given the autonomy and independence they need to fulfil their mandate and represent their members;
- repeal any administrative orders or legislative provisions that have the effect of prohibiting or restricting the right to freedom of assembly of trade unions and ensure in practice that trade unions fully enjoy the right to hold public meetings as enshrined in the Convention, including by training police and security forces, municipal councils and the judiciary;
- address the findings of the Investigation Committee and the National Voluntary Conciliation and implement the planned sensitization campaign on the codes of practice in full consultation with the social partners and with the technical assistance of the ILO.

The Conference Committee also requested the Government to submit a detailed report on the measures taken and progress achieved with regard to the above recommendations, including all outstanding information requested by the Committee of Experts by 1 September 2024.

Follow-up to the recommendations of the Investigation Committee and the National Voluntary Conciliation procedure. ILO technical assistance. In its previous comment, the Committee noted the 2023 recommendations of the Independent Investigation Committee and the National Voluntary Conciliation procedure, mechanisms which were established at the national level to consider the complaints made by the TUCOSWA and the ITUC in the context of the Committee on Freedom of Association (CFA) Cases Nos 2949 and 3425, concerning allegations of interference in trade union activities, and violence during trade union gatherings. These issues have also been considered by this Committee and the Conference Committee. The Committee notes that the Government availed itself of the technical assistance of the Office for the implementation of the above-mentioned recommendation, which facilitated the adoption of an Implementation Plan by the Government and the TUCOSWA, in August 2024, subject to tripartite validation and review by other relevant stakeholders. In this context, the Committee also notes the observations made by the ITUC that following the voluntary conciliation, most of the issues raised by TUCOSWA in CFA Case No. 3425 remain unresolved. ***Recalling the Conference Committee's request to***

address the findings of the Investigation Committee and the National Voluntary Conciliation with the technical assistance of the ILO, the Committee requests the Government to provide information on all progress made in this respect.

Civil liberties and trade union rights. Anti-union repression. Police violence against industrial actions. In its previous comment, the Committee noted with deep concern the serious allegations of the ITUC and the International Transport Workers' Federation (ITF) regarding the persecution and murders of trade unionists and the excessive violence against strikers that increased in 2022 and 2023, with allegedly more than 80 people reported to have lost their lives because of police crackdown on protests that demanded democracy and wage increases, including during those organized by the SWATCAWU. The Committee also noted the Government's indications that the attacks on public and private property, severe violence and killings were committed in the context of civil unrest since June 2021 and should not be associated with the exercise of rights under the Convention, and that the protests by the SWATCAWU had by no means been peaceful and had been dispersed with minimum police force.

With regard to the alleged persecution and murders of trade unionists, the Committee notes the Government's indication that independent investigations into politically motivated crimes, including murders, have been ongoing, and that some cases are awaiting trial. As to the investigation of the murder of the human rights and trade union defender, Mr Thulani Maseko, the Government refers to challenges relating to the hostility and non-cooperation of potential witnesses. Concerning the alleged persecution by the authorities of Mr Mbongwa Dlamini, President of the SNAT, the Government denies attacks on his home by the security forces with live bullets, stating that the police only visited Mr Dlamini's parental home to apprehend his nephew, who was suspected of possessing a firearm. Regarding the alleged excessive force by the police during peaceful trade union activities, the Committee notes that three relevant instances have been referred to the Human Rights Commission for investigation by the National Voluntary Conciliation procedure in the context of CFA Case No. 3425. In this regard, the Committee notes that the ITUC reiterates its previous observations concerning the increased violence of the police and security forces during gatherings and demonstrations, and again refers to cases of intimidation, raids, risks of arrests, and extrajudicial killings of trade unionists and human rights activists.

The Committee once again recalls that the rights of workers' and employers' organizations can only develop in a climate free of violence, threats and pressure, and that it is for the Government to guarantee that these rights can be exercised normally. It further recalls that *Article 8* of the Convention provides that workers and their organizations, like other persons or organized collectivities, shall respect the law of the land and that the law of the land shall not be such as to impair, nor shall it be applied so as to impair, the guarantees provided for in this Convention. The authorities should resort to the use of force against workers, their leaders or their organizations only in situations where law and order is seriously threatened. The intervention of the forces of order should be in due proportion to the danger to law and order that the authorities are attempting to control, and governments should take measures to ensure that the competent authorities receive adequate training and instructions so as to eliminate the danger entailed by the use of excessive violence when controlling demonstrations which might result in a disturbance of peace. Independent judicial investigations should be conducted rapidly and where they have found abuse, the absence of convictions for those guilty of crimes against trade union officers and members creates, in practice, a situation of impunity, which reinforces the climate of violence and insecurity, and which is extremely damaging to the exercise of trade union rights. ***Recalling that the Conference Committee noted with deep concern the deteriorating state of public order and its negative impact on trade union rights in the country as well as a culture of impunity for the perpetrators of crimes against trade unionists, the Committee urges the Government to provide information on the outcome of all independent investigations into alleged instances of intimidation, harassment or violence, including as regards the murder of Mr Thulani Maseko, with a view to determining culpability and punishing the perpetrators and instigators of these crimes. In addition,***

the Committee requests the Government to provide information on any violations against trade unionists identified in the future and penalties imposed pursuant to section 49(1) of the Police Service Act, No. 22 of 2018 (disciplinary action against abuse of power by members of the police) or any other relevant statutory provision.

Charges brought against individuals for having exercised lawful trade union activities. The Committee notes the Government's indication, in response to the request of the Conference Committee, that there are no charges or convictions against trade unionists for engaging in lawful trade union activities. Concerning Mr Sticks Nkambule, Secretary General of the SWATCAWU, the Government indicates that despite an injunction by the Industrial Court of Appeal, issued on the basis of the Industrial Relations Act against a planned protest (including pursuant to section 89 for threats to the national interests in view of the expected disruption of public transport services), SWATCAWU proceeded with the protest as planned on 13 December 2022. Therefore, a case for contempt of court was brought and a warrant issued for the arrest of Mr Nkambule, who fled to South Africa, before the police could arrest him. The Committee also notes the information provided by the Government in relation to the charges against Mr Mcolisi Ngcamphalala, Deputy Secretary of the SNAT, and Mr Kwazi Sithembiso Simelane, the Chairperson of TUCOSWA's Youth Structure and Deputy President of the Swaziland Democratic Nurses Union (SDNU), considered in the context of CFA Case No. 3425, and which have not yet been decided by the judiciary or resolved in the context of the National Voluntary Conciliation procedure.

The Committee recalls that it considers that essential services, for the purposes of restricting or prohibiting the right to strike, are only those the interruption of which would endanger the life, personal safety or health of the whole or part of the population, and that the transport services and public transport are not considered to be essential services (see the 2012 General Survey on the fundamental Conventions, paragraphs 131 and 134). In this context, it also notes that section 89 of the Industrial Relations Act does not provide for any objective limitation and grants broad discretion to the Minister to seek an injunction restraining a strike, even though section 92 of the Act provides for the procedure to determine essential services, and section 93 of the Act provides for a list of essential services, which does not include transport services. ***Recalling the identical request of the Conference Committee, the Committee urges the Government to take the necessary measures in order to release, quash convictions of, and drop all charges brought against, individuals for having exercised lawful trade union activities, and ensure the safe return home of all trade unionists living in exile, including the Secretary-General of the SWATCAWU, Sticks Nkambule. In this context, the Committee requests the Government to provide a copy of the above-mentioned injunction by the Industrial Court of Appeal concerning the SWATCAWU 13 December 2022 protest action. The Committee also requests the Government, in the context of the current legislative reform, to take the necessary measures to review section 89 of the Industrial Court Act, and to provide information on the concrete measures taken or envisaged in this respect.***

Harassment in the education sector. In its previous comment, the Committee noted with deep concern the serious allegations from EI, the ITUC, the ITF and the TUCOSWA concerning numerous violations of trade union rights in the education sector, in particular against the SNAT, including anti-discrimination acts and threats against the President of the SNAT, Mr Dlamini and the Secretary-General of the SNAT, Mr Vilakati, and attempts at weakening the SNAT through various means, leading to intimidation, decreased membership, incapacitated leadership due to a fear of assuming union positions, and low turnout in union activities.

The Committee notes that the Government denies these allegations, stressing that the Government has generally maintained a healthy relationship with the SNAT. Concerning Mr Dlamini's dismissal and the relevant disciplinary and court proceedings, the Committee notes the very detailed information provided by the Government and EI, as well as the Industrial Court's Judgment No. 257/2023 of 21 March 2024 declaring the dismissal of Mr Dlamini null and void and directing the Teaching Service Commission (TSC) to reconvene and proceed with the applicant's disciplinary hearing (confirmed in the

High Court's Judgement No. 726/2024 of 15 November 2024). The Committee notes that the Government indicates that the reason for Mr Dlamini's dismissal by the TSC was the unauthorized absence from work for a prolonged period of time between 2022 and 2023, whereas EI observes that the absence was authorized by the school's management to take part in lawful union activities. The Committee also notes from the Government's indications that the initial charges of bringing the profession into disrepute, following Mr Dlamini's public contradiction of the Minister of Education and Training by saying schools would be closed on a date proposed for an unlawful protest action, were dropped in the disciplinary hearing process. Concerning the alleged persecution of Mr Mbongwa Dlamini, the Committee notes that EI asserts, in addition to the allegations considered above, his ongoing harassment and victimization, including through ignoring court orders in his favour, police raids of his house, the burning of his belongings, and a situation that forced him to leave the country for a few months in 2023 due to fears for his life. The Committee also notes the Government's indication that the decision to bar Mr Dlamini from representing the SNAT in the Joint Negotiation Forum and all social dialogue structures, linked to his dismissal, was reversed in June 2024. Concerning the alleged threats against the Secretary-General of the SNAT, Mr Lot Vilakati, including to cancel his secondment on union duties, the Committee notes the Government's indications that there are no disciplinary actions against him. The Committee also notes that the Government contradicts the previous observations made by the SNAT that the Government refused to collect and remit trade union fees for newly recruited members in 2023 in an attempt to deregister the union. The Government indicates that the delays in registering new union members and collecting union dues were brief and related to changes in the system for registering and deregistering union members, which now requires the communication of changes in the membership to the Ministry of Public Service. The Committee notes that the SNAT challenges the Government's statement that "the Government has had good relationship with SNAT for years". In this respect, EI observes, among other things, that the TSC still refuses to meet the SNAT in the presence of the SNAT President, and that the Government is promoting headteachers and deputy headteachers only if they join the Eswatini Principal Association (EPA), a union created to counter the SNAT. The Committee also notes that the Government has not provided any information as regards the outcome of the appeal against the disciplinary action concerning Ms Sacolo, Chairperson of the Limkokwing Branch of the National Workers Union of Higher Institutions (NAWUSHI), which allegedly targeted her as a union official. ***Recalling the corresponding request of the Conference Committee, the Committee urges the Government to refrain from the violent treatment, intimidation or harassment, including judicial harassment, of leaders and members of trade unions in the education sector conducting lawful trade union activities, including the SNAT President and Secretary-General, Messrs Mbongwa Dlamini and Lot Mduduzi Vilakati. In this respect, the Committee once again urges the Government to provide its comments on the remaining allegations, to indicate any measures taken to enable the SNAT to develop its activities in the education sector without threats against its leadership or interference, and to provide information on the follow-up to the decisions of the Industrial Court and the High Court in favour of Mr Dlamini.***

Legislative reform. The Committee previously requested the Government that the issues of trade union registration (section 32) and of replacement of labour during the course of lawful strike action be considered in the review of the Industrial Relations Act. In this respect, the Committee welcomes the technical assistance of the Office provided in the form of a Technical Memorandum on the Industrial Relations (Amendment) Bill, 2022. In this respect, the Committee notes the Government's request for further technical assistance regarding issues raised by TUCOSWA in the context of CFA Case No. 3425. ***The Committee encourages the Government to continue to avail itself of the technical assistance of the Office in the areas identified to work towards the conformity of the national legislation with the Convention and requests the Government to continue to provide information on all developments in this regard.***

Article 3 of the Convention. Ban on trade union gatherings by administrative order. In its previous comment, the Committee noted with concern the allegation from EI, the ITUC, the ITF and the TUCOSWA that the right of freedom of assembly of workers' organizations was considerably restricted. In this respect, the Committee noted that: (i) pursuant to administrative order of October 2021 of the Ministry of Housing and Urban Development, the laws regulating gatherings were suspended, revoking the powers of municipal councils to issue gathering notices; and (ii) pursuant to a public announcement, purporting a relaxation of the ban, as of 18 July 2023, municipal councils were allowed to issue permits for gatherings not exceeding ten people.

The Committee notes the Government's emphasis that following the civil unrest, many gatherings and protest marches, including by trade unions have taken place. However, EI observes that there are still restrictions for trade unions to deliver petitions and march in the streets, and refers to public warnings in the press to the use of live ammunition should there be another civil unrest. In this respect, the Committee notes that the Government communicates with its report a public announcement of 7 October 2024 on gatherings by the Ministry of Housing and Urban Development, pursuant to which, anyone intending to use local authority spaces for gatherings must comply with Public Order Act No. 12 of 2017, the Code of Good Practice on Gatherings, 2017, and the Code of Good Practice on Industrial and Protest Actions (Legal Notice No. 202 of 2015), and that non-compliance with these legislative instruments will result in appropriate legal sanctions under the law. In this regard, the Government emphasizes that the laws governing public gatherings were never suspended, claiming that all previous administrative directives were informed by the COVID-19 restrictions and the civil unrest which started in June 2021. While welcoming the public statement on the issue of holding public gatherings, the Committee observes that the Government does not provide any information on the instructions given to the municipal councils, the police and security forces, that the restrictions to issue gathering notices were lifted. ***Recalling the Conference Committee's request to repeal any administrative orders or legislative provisions that have the effect of prohibiting or restricting the right to freedom of assembly of trade unions and ensure in practice that trade unions fully enjoy the right to hold public meetings as enshrined in the Convention, the Committee requests the Government, for the purpose of legal certainty, to duly inform the local municipal councils, the police and security forces, as well as trade unions, of the lifting of all legal provisions and instructions banning local municipal councils from issuing permits for gathering, acting through official communication or other appropriate means. Further recalling that the Public Order Act, 2017, permits the gathering of not more than 50 people without notice requirements, the Committee also requests the Government to refrain from any public statements that would discourage or intimidate trade unions from exercising the rights granted under the Convention. Noting that capacity building activities in trade union rights and the handling of industrial actions (of lower ranked police officers, the union leadership and Marshalls, and the public at large) were also recommended by the Investigation Committee and the National Voluntary Conciliation procedure, and noting the Government's reference to an upcoming awareness-raising workshop with ILO assistance, the Committee requests the Government to provide information on any measures taken to sensitize all relevant actors on the effective management of industrial and protest actions, in conformity with the Code of Good Practice for Industrial and Protest Actions (Legal Notice No. 202 of 2015), the Code of Good Practice on Gatherings (Legal Notice No. 201 of 2017) and the Public Order Act of 2017.***

[The Government is asked to reply in full to the present comments in 2025.]

Ethiopia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1963)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the International Trade Union Confederation (ITUC), received on 1 September 2021, as well as those of Education International (EI), received on 31 August 2023 concerning matters examined in this comment.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 109th Session, June 2021)

The Committee notes the discussion that took place in the Conference Committee on the Application of Standards (the Conference Committee) concerning the application of the Convention and examines the effect given to its conclusions below.

Articles 2 and 5 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and join organizations. The right to establish and join federations and confederations. The Conference Committee called upon the Government to amend section 3 of the Labour Proclamation No. 1156/2019 (LP) to recognize and guarantee the right to organize for the categories of workers excluded from its scope. The Committee recalls that section 3(2) of the LP excludes the following categories of employment relations or workers in both public and private sectors from its scope: (a) contracts for the purpose of upbringing, care or rehabilitation; (b) contracts for the purpose of educating or training other than apprentices; (c) managerial employees; (d) contracts of personal (domestic) service, and (e) employees of state administration, judges, prosecutors and others whose employment is governed by special laws. The Committee notes that, regarding domestic workers, section 3(3)(c) of the LP provides that the Council of Ministers shall issue a Regulation governing their conditions of work. The Committee further notes that certain excluded groups such as teachers have formed "professional associations" governed by the Organizations of Civil Societies Proclamation No. 1113/2019 (CSOP), but that according to the ITUC and EI, these organizations cannot join federations and confederations. The Committee notes the Government's indication that every effort will be made to solve the problem by conducting a research-based discussion with the stakeholders using the newly created platform relating to the inclusion of the right to establish and join organizations in the special laws governing the conditions of work of excluded workers. The Committee notes with ***concern*** that four years after its previous examination of the application of the Convention in Ethiopia and two years after the Conference Committee discussion, no concrete measures have been taken to recognize and guarantee the right of excluded workers and employers to establish and join organizations. ***Recalling that the only possible exception to the application of the Convention pertains to the members of the police and the armed forces, the Committee urges the Government to either amend section 3 of the LP or adopt adequate legal provisions to recognize and guarantee the rights enshrined in the Convention to the excluded categories of workers and employers. The Committee requests the Government to provide detailed information on the steps taken in this respect.***

Civil servants. The Conference Committee requested the Government to provide information on the status of the ongoing civil service reform as regards the granting of the right to organize to all civil servants. The Committee previously noted that the Government had repeatedly affirmed its readiness to address the matter and that, in full consultations with the social partners, it would take all the necessary measures to grant civil servants and employees of the state administration the right to establish and join organizations of their own choosing. The Committee notes with ***concern*** that the Government does not report any progress in this regard but only indicates that civil servants can form "professional associations" and that the Government is still in the process of studying and discussing measures to ensure their right to organize. The Committee further notes that the "professional organizations" formed under the CSOP do not appear to enjoy important rights specific to employers and workers' organizations, such as the right to represent their members in labour relations and to establish or join federations and confederations, whereas these rights are defined within the framework of the LP only. ***The Committee is therefore bound to urge the Government to take the necessary measures, in full consultation with organizations representing the employees concerned, to recognize and guarantee the right to organize of all civil servants, including employees of***

state administration, teachers in public schools, care workers, judges, prosecutors and managerial workers and to provide information on any progress in this respect.

Teachers. The Conference Committee called upon the Government to take all necessary measures, in law and in practice, to ensure that teachers' trade unions are registered and recognized as such and can join other trade unions. The Committee notes the Government's indication that the National High Court ruled that, due to the existence of a professional association previously registered under the name of the National Teachers' Association (NTA), no other association could be registered under this name. The Committee also notes the Government's submission to the Conference Committee that the Ethiopian Teachers' Association (ETA), an affiliate of EI which has more than 600,000 members, has been registered since 1949 and operates for the advancement of teachers' rights and interests. The Committee notes that according to the EI, the ETA is unable to become a member of the Confederation of Ethiopian Trade Unions because of the exclusion of workers involved in education and training from the coverage of the LP. It further notes the ITUC's indication that while the registration request of the NTA appears to have failed, the ETA is only recognized as an occupational organization, although it has been requesting recognition as a trade union for a long time to be able to fully represent its associates in collective bargaining and to join a trade union confederation; however, in absence of legislative reforms, such recognition remains impossible. The Committee recalls that in May 2013, in the framework of the Joint Statement on the Working Visit of the ILO Mission, the Government had committed itself to registering the NTA under the Charities and Societies Proclamation (the predecessor of the CSOP). The Committee notes with ***regret*** that despite this longstanding formal commitment of the Government, the NTA has not succeeded in obtaining registration. The Committee notes that the legal issues raised in relation to the full recognition and guarantee of Ethiopian teachers' right to organize are due to: (i) the exclusion of private and public sector teachers from the scope of the LP and, (ii) the inadequacy of the guarantees granted to teachers' associations governed by the CSOP, which do not allow the ETA to join a confederation or represent its members in collective bargaining. ***Therefore, the Committee urges the Government to, in full consultation with the social partners, review the legislation with a view to giving full recognition and guarantee to the rights of private and public sector teachers under the Convention. The Committee requests the Government to provide information on any steps taken in this respect.***

Articles 2 and 7. Right to establish organizations without previous authorization, conditions of recognition of legal personality. The Conference Committee called upon the Government to revise section 59.1(b) of the CSOP in order to ensure that the grounds for refusal of trade union registration are not excessively broad. The Committee notes that section 59.1(b) provides that the Civil Societies Organization Agency shall refuse to register an organization where it finds that the aim of the organization or the activities description under its rules are contrary to law or public morals. The Committee notes with ***regret*** that the Government does not provide any information in this regard, while in its written submission to the Conference Committee it had indicated that this provision primarily aims to prevent wrongdoing by civil society organizations and NGOs. The Committee further notes that pursuant to section 61 of the CSOP, the acquisition of legal personality depends on registration. The Committee once again recalls that registration should be a simple formality and should not amount to a requirement of prior authorization for establishment of organizations, and that "public moral grounds" constitute too wide and vague a ground for refusal of registration and acquisition of legal personality, giving an excessively broad discretion to the authorities to block the registration and acquisition of legal personality for organizations. ***Therefore, the Committee once again requests the Government to take the necessary measures to revise section 59.1(b) of the CSOP with a view to removing "contrary to public morals" as grounds for refusal of registration of an organization and to provide information on the steps taken in this respect.***

Article 3. Right of organizations to organize their administration and activities and to formulate their programmes. Essential services. In its previous comments the Committee requested the Government to take the necessary measures to delete air transport and urban light rail transport services from the list of essential services. The Committee notes the Government's indication that currently, light rail transport constitutes the main means of transportation for large numbers of people in urban areas and would be deleted from the list of essential services when other public transportation options start being widely used. The Committee recalls that these services do not constitute essential services in the strict sense of the term – that is services, the interruption of which may endanger the life, personal safety or health of the whole or part of the population. ***The Committee therefore requests once again that the Government take the necessary measures so that the air and urban light rail transport services are deleted from the list of essential services***

in section 137.2(a) and (d) of the LP and recalls that it may give consideration instead to the establishment of a system of minimum service in these services of public utility. It requests the Government to provide information on the steps taken or envisaged in this respect.

Quorum required for a strike ballot. The Committee notes that section 159.3 of the LP requires that a decision to take a strike action must be supported by a simple majority of the workers concerned in a meeting attended by at least two-thirds of the trade union members. The Committee recalls that it requested the Government to revise the legislation, with a view to reducing the two-thirds quorum required for the strike ballot, which may unduly hinder the possibility of calling a strike. The Committee notes the Government's indication that the right to strike would not be effective in the absence of support by the majority of workers. Recalling that strikes are essential means available to workers and their organizations to protect their interests, the Committee considers that where the law requires a vote by workers before a strike can be held, account should be taken only of the votes cast and the required quorum and majority should be fixed at a reasonable level. The observance of a quorum of two-thirds of union members may be difficult to reach and can unduly hinder the right to strike in practice. ***Therefore, the Committee once again requests the Government to take the necessary measures to amend section 159.3 of the LP and to provide information on the steps taken in this respect.***

Article 4. Dissolution and suspension of organizations by the administrative authority. The Conference Committee called upon the Government to make sure that the appeal of members, founders or managers against dissolution of their organization by administrative decision has suspensive effect. The Committee notes that section 77.4 of the CSOP gives the Director General of the Civil Societies Organization Agency the power to order the suspension of the activities of an organization for a period not exceeding three months, when investigation has revealed a grave violation of the law in relation to those activities. A right to appeal of the organization to the board of the Agency and then to the Federal High Court is provided in section 77.5. The power of the Director General to suspend the activities of the organization is also provided under section 78.4, in case an organization does not alter or rectify its practice after receiving a strict warning. In this case, the suspension order can entail the dissolution of the organization unless it has been lifted by the Board of the Agency or by court order. Section 78.5 of the CSOP provides for a right to appeal to the Federal Hight Court for the members, founders or managers of the organization dissolved by decision of the Board. The Committee notes with ***regret*** that the Government does not provide any information regarding the suspensive effect of appeals, and recalls that the dissolution and suspension of trade union organizations constitute extreme forms of interference by the authorities in the activities of organizations and should therefore be accompanied by all the necessary guarantees. This can only be ensured through a normal judicial procedure, which should also have the effect of a stay of execution (see the 2012 General Survey on the fundamental Conventions, paragraph 162). ***Therefore, the Committee requests the Government to take the necessary measures to amend the CSOP so as to ensure that the appeal against such administrative decisions has suspensive effect. The Committee requests the Government to provide information on the steps taken in this respect.***

The Committee reminds the Government of the possibility of availing itself of ILO technical assistance regarding the issues raised in this comment.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Fiji

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2002)

Previous comment

The Committee recalls that, in June 2019, the Conference Committee on the Application of Standards requested a direct contacts mission (DCM) to Fiji to assess progress made in the implementation of the Convention. The Committee notes that the mission was postponed due to COVID-19 and other factors but finally took place in April and May 2024. The Committee takes note of

the conclusions and recommendations of the DCM and refers to these, as well as to the detailed information provided by the Government and the social partners to the DCM, in its comment below.

Trade union rights and civil liberties. In its previous comment, the Committee requested the Government to consider issuing instructions and providing training to ensure that State entities and their officials refrain from anti-union practices. It also firmly expected that any charges against Mr Anthony, the General Secretary of the Fiji Trades Union Congress (FTUC), related to the exercise of his trade union activities would be immediately dropped. The Committee welcomes the Government's indication that the charges against Mr Anthony were withdrawn by the prosecution. It further welcomes the Government's commitment to undertake awareness-raising and training with the relevant authorities on the protection of civil liberties, as well as the interest of the police, noted by the DCM, to participate in training to ensure respect for freedom of association, assembly and speech. The Committee notes in this regard that the DCM recalled that training modules for law enforcement had already been developed and could be introduced into broader human rights trainings. ***In view of the commitment expressed, the Committee encourages the Government to take the necessary measures to ensure that regular training, adapted to their needs, is provided to the police and the armed forces to ensure that State officials fully respect basic civil liberties and fundamental labour rights of workers and employers, including during demonstrations. The Committee recalls that the Government may avail itself of the technical assistance of the Office in this regard.***

Appointment of members to and the functioning of the Employment Relations Advisory Board (ERAB) to review labour legislation. In its previous comment, the Committee expressed its expectation that members of the ERAB would be nominated and appointed without delay and without the Government's interference. The Committee notes with ***satisfaction*** the Government's indication that members of the reconstituted ERAB were appointed in January 2023 in equal representation from the Government, workers and employers. The Committee further welcomes the observations of the DCM that the ERAB was fully functional and that the social partners were given full independence in designating their representatives.

Progress on the review of labour legislation as agreed in the Joint Implementation Report (JIR). In its previous comment, the Committee urged the Government to take all necessary measures to continue to review the labour legislation within the reconvened ERAB, as agreed in the JIR and the September 2020 Plan of Action (elaborated with the ILO Country Office). The Committee welcomes the Government's indication that in February 2023, the ERAB tripartite sub-committee was formed and started to review the Employment Relations Act (ERA) matrix. It further welcomes the details provided by the Government on the revision process, including the sharing of documents and numerous consultations with the FTUC and the Fiji Commerce and Employers' Federation (FCEF) between April 2023 and November 2024. The Committee notes, in particular, the October–November 2024 tripartite round-table meetings, which the Government indicates addressed the concerns raised by the employers in relation to the draft amendments. The Government further informs that the amendments, drafted with the assistance of the ILO, will also be available for national consultation to obtain the views of the population before being submitted to the Cabinet and the Parliament. ***Welcoming the Government's and the social partners' support for the proposed labour law reform, the Committee trusts that the revision of the ERA will be concluded without delay and will meaningfully address all outstanding matters, taking into account the Committee's comments below. The Committee requests the Government to provide updated information on the progress made following public consultations and submission to Parliament and to transmit the final version of the amended law once adopted.***

Article 2 of the Convention. Right of workers to establish and join organizations of their own choosing. The Committee had previously noted that the following issues were still pending: denial of the right to organize to prison guards (section 3(2) of the ERA); and excessively wide discretionary power of the Registrar in deciding after consultation whether or not a union meets the conditions for registration (section 125(1)(a) of the ERA). While noting that the Government does not elaborate on the review of the

Registrar's discretionary powers, the Committee welcomes the information provided to the DCM that the issue of the right to organize of prison guards will be addressed in the ongoing labour law reform. ***The Committee trusts that both of these pending issues will be properly addressed in the labour law review, taking into account the Committee's comments, and requests the Government to provide updated information in this regard.***

Article 3. Right of organizations to elect their representatives in full freedom, organize their activities and formulate their programmes. Essential services. The Committee previously recalled that, through the inclusion in the ERA of the Essential National Industries (Employment) Decree, 2011 (ENID), the list of industries in which strikes could be prohibited included those that did not fall within the definition of essential services in the strict sense of the term (section 185 of the ERA). The Committee therefore urged the Government to meaningfully engage with the social partners to review the list of essential services, as agreed in the JIR and the October 2019 and the September 2020 action plans, so as to restrict limitations on the right to strike to essential services in the strict sense of the term and public servants exercising authority in the name of the State. The Committee notes the adoption of the Employment Relations (Amendment) Act, 2023 and notes with ***satisfaction*** the Government's indication that it approved the repeal of the ENID, thus reverting the list of essential services in section 185 of the ERA back to the services set out in its Schedule 7, which the Committee previously considered were defined in line with the Convention. The Government also informs of amendments to section 188(4) of the ERA to extend the time frame for reporting employment grievances from 21 days (under the ENID) to six months. The Committee further notes that, according to section 185, as amended in 2023, additional services and industries listed in the provision (the Government, statutory authorities, local, city and town authorities, public enterprises and workers in managerial positions) may be designated as essential after the date of commencement of the amending legislation. The Committee observes that, other than public servants exercising authority in the name of the State, the services listed would not appear to fall within the definition of essential services in the strict sense of the term. ***In view of the above, the Committee requests the Government to provide further information on the manner in which the services cited in section 185 may be declared as essential services and whether any services have been considered as such. The Committee trusts that the above amendment of the ERA and any further amendments within the ongoing labour law review will contribute to ensuring that the exercise of the right to strike can only be restricted in essential services in the strict sense of the term.***

For a number of years, the Committee has been requesting the Government to take measures to review numerous provisions of the ERA which raise issues of compatibility with the Convention: obligation of union officials to be employees of the relevant industry, trade or occupation for a period of not less than three months (section 127(a)); prohibition of non-citizens to be trade union officers (section 127(d)); interference in union by-laws (section 184); excessive power of the Registrar to request detailed and certified accounts from the treasurer at any time (section 128(3)); provisions likely to impede industrial action (sections 175(3)(b) and 180); compulsory arbitration (sections 169, 170, 181(c) and new section 191BS (formerly 191(1)(c)); penalty in the form of a fine in case of staging an unlawful but peaceful strike (sections 250 and 256(a)); provisions likely to impede industrial action (section 191BN); penalty of imprisonment in case of staging a (unlawful or possibly even lawful) peaceful strike in services qualified as essential (sections 191BQ(1), 256(a), 179 and 191BM); excessively wide discretionary powers of the Minister with respect to the appointment and removal of members of the Arbitration Court and appointment of mediators, calling into question the impartiality of the dispute settlement bodies (sections 191D, 191E, 191G and 191Y); and compulsory arbitration in services qualified as essential (sections 191Q, 191R, 191S, 191T and 191AA). ***Welcoming the Government's indication, both to this Committee and to the DCM, that all of these issues have been considered in the labour law review, the Committee expects all the pending issues to be adequately addressed, in line with its comments, so as to ensure full compatibility of the law with the Convention.***

Public Order (Amendment) Decree (POAD). In view of the concerns reported by trade unions that section 8 of the POAD was being used to interfere in, prevent and frustrate trade union meetings and assemblies, the Committee previously urged the Government to take the necessary measures to bring section 8 of the POAD into line with the Convention. The Committee notes that the Government informs about correspondence between the Office of the Prime Minister, in charge of the POAD, and the Ministry of Employment, Productivity & Workplace Relations to address the issues that impede on the right of assembly. It adds that, recently, a number of industrial actions were undertaken by various unions without Government interference and workers were able to meet freely to organize unions and discuss employment issues. While further noting that similar assurances were provided to the DCM, indicating that the POAD has already been repealed in practice while awaiting formal amendment, the Committee notes that a concern was brought to the attention of the DCM that unionists often face challenges when applying for permits to hold public demonstrations. The FTUC further indicates that it expects consequential changes to the POAD as part of the review. ***The Committee therefore expects that amendments to section 8 of the POAD will be rapidly adopted, in line with the Convention, and will contribute to ensuring that the right to assembly may be freely exercised, both in law and in practice.***

Political Parties Decree. The Committee previously requested the Government to take measures to amend section 14 of the 2013 Political Parties Decree and sections 113(2) and 115(1) of the Electoral Decree, in consultation with the representative national workers' and employers' organizations, in view of the concerns raised about the restrictive effect of the provisions on legitimate trade union activities (a strict ban on any political membership, campaign or activity, including expressing support or opposition to a political party). The Committee notes the Government's indication that it acknowledges the need to amend various sections of the Decree to remove restrictions on trade union representatives from participating in political activities, that the Fiji Law Reform Commission is currently reviewing the Decree and that consultations will take place with various stakeholders to this effect. The Committee also notes from the DCM report that some constitutional issues were raised in respect of the amendment of the law and that a pending case before the Supreme Court may shed some clarity on this issue. ***The Committee requests the Government to provide information on progress made in the review of the Political Parties Decree and trusts that, despite the challenges, the law will be amended to ensure that it does not impede the exercise of legitimate trade union activities.***

Article 4. Dissolution and suspension of organizations by administrative authority. In its previous comment, the Committee noted the suspension and cancellation of several trade unions for failing to submit their annual audited reports, as well as the concerns of the International Trade Union Confederation that such measures represent a clear attempt at quashing independent trade unions. While having taken note of the steps taken by the Registrar before suspending or cancelling union registration, it requested the Government to consider, in consultation with the most representative organizations, any measures that would be appropriate to ensure that the procedures are, both in law and in practice, in full accordance with the guarantees set out in the Convention. The Committee notes that, according to the Government, the Registrar ensures that unions do not manipulate their members or abuse their funds and that any suspension or cancellation of union registration is done in line with the ERA, following due process to ensure rectification and avoid suspension or cancellation. The FTUC also indicates that the Registrar does not intervene in union affairs. ***Taking note of the above and observing that no further concerns were raised in this regard, the Committee trusts that, in the current atmosphere of genuine social dialogue noted by the DCM, suspension or cancellation of trade union registration will not be used as a means to oppress trade unions.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1974)

Previous comment

The Committee notes that a direct contacts mission (DCM) took place in the country in April and May 2024 and refers in this regard to its comment made under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Committee refers to the conclusions and recommendations of the DCM where they concern the application of this Convention. The Committee notes the ongoing review of the Employment Relations Act (ERA) with the technical assistance of the Office.

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. In its previous comment, in relation to the long-standing dispute in relation to the Vatukoula Mining Company (concerning the refusal to recognize a union and the dismissal of striking workers over 30 years ago), the Committee expressed its expectation that the dispute would be finally and equitably resolved and requested the Government to supply information in this regard. The Committee notes with ***satisfaction*** the Government's indication that, in June 2024, the Government and the Fiji Mine Workers Union reached a settlement agreement involving payout to the concerned workers, thus bringing this long-standing dispute to an end. The Government informs that 357 workers were identified for settlement, both alive and deceased, some working abroad, out of whom 152 have already received payment.

Article 4. Promotion of collective bargaining. The Committee had previously considered that the abrogation by the Essential National Industries (Employment) Decree, 2011 (ENID) of collective agreements in force was contrary to *Article 4* of the Convention and noted that this issue was not addressed by the 2015 and 2016 amendments to the ERA. It therefore requested the Government to continue to take concrete measures to facilitate negotiations and promote collective bargaining between workers and employers or their organizations in the public sector so as to create an enabling environment for collective agreements to be concluded in replacement of those abrogated by the ENID. The Committee observes that the Government does not provide any information on these points and notes from the DCM report that three collective agreements had been pending endorsement at the Arbitration Court for over a year. ***The Committee also notes, however, from the DCM report that there is currently an atmosphere of genuine dialogue in the country and trusts that the Government will build on the positive engagement of the social partners to create an enabling environment for the promotion of collective bargaining, including for negotiations to replace the collective agreements abrogated by the ENID. The Committee also requests the Government to continue to provide information on the number of collective agreements concluded and in force, the sectors concerned and the number of workers covered by these agreements, as well as on any additional measures undertaken to promote the full development and utilization of collective bargaining under the Convention.***

Compulsory arbitration. In its previous comments, the Committee expressed its expectation that sections 191Q(3), 191(R), 191(S) and 191AA(b) and (c) of the ERA, which allow for compulsory conciliation or arbitration, would be reviewed within the Employment Relations Advisory Board (ERAB) so as to bring the legislation into full conformity with the Convention. The Committee notes the Government's indication that the reconstituted tripartite ERAB started the review of the ERA matrix in February 2023, that numerous tripartite consultations were held between April 2023 and November 2024, that amendments to the law were drafted with the technical assistance of the Office and will be available for national consultation to obtain the views of the population before being submitted to the Cabinet and the Parliament. ***The Committee trusts that the revision of the ERA will be concluded without delay and that the above provisions will be amended to ensure compatibility with the Convention. The Committee requests the Government to provide information on any progress made in this regard.***

Gabon

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1960)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

In its previous comments, further to the observations of the International Trade Union Confederation (ITUC) relating to restrictions on the right to strike in the public sector on the repeatedly invoked grounds of ensuring public safety, the Committee asked the Government to provide detailed information on the number of strikes called in the public sector, the sectors concerned and the number of strikes prohibited on the grounds of a possible disruption of the public order.

Moreover, further to the observations received from Education International (EI) denouncing the adoption of various regulations which are making the exercise of trade union activities in the education sector increasingly difficult, the Committee requested the Government to indicate the measures taken in that sector to ensure that trade unions have access to educational establishments so that they can perform their representative functions and defend their members' interests.

The Committee notes that according to the Government, only 12.34 per cent of school establishments across the entire national territory were affected during the unlimited general strike called in September 2021 by the National Congress of Education Sector Unions (CONASYSED) and the National Education Union (SENA). However, the Government adds that it is not able to provide the information requested by the Committee, since the collection and centralization of data is ongoing.

The Committee regrets the Government's inability to provide the requested information, and reiterates its request with the hope that the Government will shortly be able to provide said information.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Gambia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2000)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 1 September 2022, which refer to matters under examination by the Committee.

Trade union rights and civil liberties. In its previous comments, the Committee had noted the 2017 ITUC observations alleging the arbitrary arrests of several leaders of the Gambian National Transport Control Association (GNTCA); the death, while in detention, of Mr Sheriff Diba, one of the arrested leaders; and the imposition of a ban on the activities of the GNTCA. The Committee had requested the Government to ensure that the GNTCA was informed about the necessary procedures to obtain a review of its case, which had been discontinued before the High Court of The Gambia, and expressed its firm hope that the death of Mr Diba and the alleged arbitrary arrests would be duly investigated without delay by the Truth, Reconciliation and Reparation Commission (TRRC), an independent institution mandated to investigate human rights violations committed by the former regime. The Committee notes the Government's indication in its report that in 2020, a task force led by the Office of the Inspector General of the Police, which included representatives of the Ministry of Justice, the National Intelligence Agency and the Gambia Armed Forces, as well as former members of the GNTCA, convened several meetings on the above-mentioned issues. The Committee further notes that the GNTCA was advised to constitute a trade union instead of an association, which led to the formation of the General Transport Union, and was also advised to approach the Victim Centres of the National Human Rights Commission. In addition, the Committee also notes the Government's indication that due to the time constraints and the volume of alleged human rights violations that the TRRC was tasked to

examine, the TRRC did not investigate the death of Mr Diba, and that all pending human rights violations will be investigated and prosecuted by a Special Prosecutor's Office that will be established within the Ministry of Justice. ***The Committee expects that the Government will take all necessary measures to ensure that the death of Mr Diba and the alleged arbitrary arrests of the leaders of the GNTCA are promptly investigated by the Special Prosecutor's Office. The Committee requests the Government to provide information on all developments in this regard.***

Article 2 of the Convention. Right of workers without distinction whatsoever, to establish and join organizations of their own choosing without previous authorization. The Committee had previously noted that sections 3(2)(a), (c) and (d) of the Labour Act of 2007 exclude civil servants, prison officers and domestic workers, respectively, from its scope, and recalled the need to ensure that these three groups enjoy the right to establish and join organizations of their own choosing. The Committee notes the Government's indication that these categories of workers are not excluded from the scope of the Trade Union Bill and will therefore be allowed to form and join trade unions after its coming into force. The Committee observes that the right to join and participate in the forming of trade unions is provided to every employee under section 4(1) of the Trade Union Bill. Further observing that section 2 of the Trade Union Bill defines "employee" as "a person employed for wages or a salary", which does not encompass self-employed workers and workers without employment contracts, the Committee recalls that *Article 2* of the Convention applies not only to employees but more broadly to all workers without any distinction whatsoever. The Committee also notes the ITUC indication that no progress has been made with respect to the Trade Union Bill since the Gambian Trade Union Bureau submitted its comments and recommendations on the Bill in 2017. ***The Committee requests the Government to take the necessary steps, in consultation with the social partners, to review the Trade Union Bill so as to ensure that once adopted, all workers, including civil servants, prison officers, domestic workers, as well as self-employed workers and workers without employment contracts, enjoy the right to establish and join organizations of their own choosing, in accordance with the Convention. The Committee requests the Government to provide information on any progress made in this respect.***

Minimum membership requirement. In its previous comments, the Committee had requested the Government to lower the minimum membership requirement for the registration of a trade union currently set by section 96(4)(a) the Labour Act at 50 workers. The Committee welcomes the Government's indication that the issue of registration of trade unions will now be dealt with under the Trade Union Bill and that the minimum membership requirement will be set at seven members under section 8(2) of its draft Trade Union Regulations. The Government indicates that the Labour Bill no longer includes provisions regulating this issue. ***The Committee expects that the Labour Bill, the Trade Union Bill and the draft Trade Union Regulations will be adopted without further delay so as to ensure that the minimum membership requirement for the registration of trade unions is reduced to a level which does not hinder the establishment of organizations.***

The Committee hopes that the Labour Bill, the Trade Union Bill and the draft Trade Union Regulations will be reviewed and finalized as soon as possible in consultation with the social partners and with the technical assistance of the Office, requested by the Government, to ensure that full effect is given to the provisions of the Convention. The Committee requests the Government to provide information on all developments in this regard and to transmit copies of the laws and regulations once adopted.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 2000)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 1 September 2022 referring to matters under examination by the Committee.

The Committee also notes that the Government indicates that the Labour Bill and the Trade Union Bill are currently being reviewed and provides copies of the two bills.

Scope of the Convention. In its previous comments, the Committee requested the Government to provide information on the adoption of the Trade Union Bill and expressed the firm expectation that the rights afforded by the Convention would be ensured for prison officers, domestic workers and civil servants not engaged in the administration of the State, whom section 3(2) of the Labour Act excludes from its scope. The Committee takes due note of the Government's indication that these categories of workers are not excluded from the scope of the Trade Union Bill, as they are not enumerated among the persons excluded by section 3 of the Bill.

The Committee observes however that section 2 of the Bill defines "trade union" as "an organized group of employees", and "employee" as "a person employed for wages or a salary", a definition that may not encompass self-employed workers and workers without employment contracts. In this regard, the Committee recalls that the Convention does not apply only to employees but more broadly to all workers, and that only the armed forces, the police and public servants engaged in the administration of the State may be excluded from the guarantees of the Convention. The Committee also notes that, according to the observations submitted by the ITUC, there has been no progress regarding the adoption of the Trade Union Bill since the Gambian Trade Union Bureau submitted its comments and recommendations on the Bill in 2017. ***The Committee requests the Government to take the necessary measures, in full consultation with the social partners, to ensure that the Trade Union Bill is revised and adopted shortly, with a view to guaranteeing that all workers, including prison officers, domestic workers, civil servants not engaged in the administration of the State, as well as self-employed workers and workers without employment contracts, enjoy the rights and guarantees set out in the Convention. The Committee requests the Government to provide information on any progress achieved in this regard.***

Article 4. Recognition of organizations for the purposes of collective bargaining. In its previous comments, recalling that the organization of a ballot for determining representativeness should be carried out by the authorities or an independent party upon a request presented by a union, the Committee requested the Government to bring section 131 of the Labour Act, which provides that an employer may organize a secret ballot to establish a sole bargaining agent, into conformity with the Convention. The Committee notes with ***regret*** that the Government states that section 169 of the Labour Bill also allows the employer to organize such a secret ballot. ***The Committee requests the Government to amend the Labour Bill so as to ensure that the determination of the representative status of trade unions for purposes of collective bargaining is conducted in accordance with a procedure that offers every guarantee of impartiality, by an independent body that enjoys the confidence of the parties.***

Threshold of representativity. In its previous comment, the Committee recalled that if no union in a specific negotiating unit meets the required threshold to be recognized as a sole bargaining agent, minority trade unions should be able to negotiate, jointly or separately, at least on behalf of their own members, and requested the Government to bring its legislation into conformity with the Convention. The Committee notes that the Government states that in the Trade Union Bill, a trade union will be recognized for purposes of collective bargaining if it represents a simple majority of the unionizable employees (section 34). Observing that the Bill does not contain any provisions regulating cases in which no union reaches that threshold, the Committee recalls once again that systems where a representative union that fails to secure the absolute majority may be denied the possibility of bargaining, may raise problems of compatibility with the Convention. Noting additionally that the Government only informs of two concluded collective agreements, the Committee considers that the apparently very small number of existing collective agreement in the country could appear to be related to the restrictive requirements to engage in collective bargaining which are contained in the current legislation. ***The Committee requests the Government to indicate the meaning of the term "simple majority" in section 34 of the Trade Union Bill, and to amend the legislation in order to ensure that if no union reaches the required threshold to be recognized as a bargaining agent, the existing unions are given the possibility to negotiate, jointly or separately, at least on behalf of their own members.***

Promotion of collective bargaining in practice. The Committee had previously noted the information provided by the Government on two company-level collective agreements concluded in the private sector in 2014 and 2017. The Committee notes that the Government limits itself to referring again to these two agreements and stating that it will take steps to sensitize trade unions to maximise the use and benefits of collective bargaining. ***The Committee reiterates its request that the Government provide information on the concrete measures taken to promote collective bargaining in all sectors covered by the Convention, as well as on the number of collective agreements concluded and in force, the sectors concerned and the number***

of workers covered by these agreements. The Committee further requests the Government to provide information on the actions taken to promote collective bargaining in the different sectors of the economy.

Request for technical assistance. The Committee notes the Government's request for technical assistance from the Office to ensure that the Labour Bill and the Trade Union Bill include the ILO's recommendations and are aligned with the Convention. ***The Committee trusts that the technical assistance requested by the Government will be provided as soon as possible with a view to ensuring that, after a consultation with the social partners, the above-mentioned bills will give full effect to the provisions of the Convention. The Committee requests the Government to provide information on any evolution in this regard, as well as copies of the laws once adopted.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Georgia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1999)

Previous comment

The Committee notes the observations of the Georgian Trade Union Confederation (GTUC) received on 24 September 2024.

Articles 3 and 5 of the Convention. The right of workers' and employers' organizations to organize their administration, to affiliate with international organizations of workers and employers, and to receive financial assistance therefrom. The Law on Transparency of Foreign Influence (the Law). The Committee notes the adoption of the Law on 28 May 2024. The Committee observes that by virtue of its sections 2(1)(a) and 4(1), a non-entrepreneurial (non-commercial) legal person (except for those that are expressly excluded) must apply to the National Public Registry Agency for registration as an "organization pursuing the interests of a foreign power" if the source of more than 20 per cent of its total income during a calendar year is a foreign power. The definition of the latter comprises "an organisational entity (including a foundation, an association, a corporation or a union) or other form of association of persons, which has been established under the law of a foreign state and/or international law" (section 3). The Committee thus observes that an organization of employers or a trade union could be obliged to register as an organization pursuing the interests of a foreign power if it is affiliated with an international employers' or workers' organization and receives financial assistance equivalent to over 20 per cent of its income therefrom. The Committee notes that the Law imposes additional obligations on workers' and employers' organizations recognized as organizations pursuing the interests of a foreign power, namely: (i) the obligation to submit an annual financial declaration (section 6(1)); and (ii) the obligation to provide immediately the necessary information to the person authorized by the Ministry of Justice within the framework of examination and inquiry of the registration statement or financial declarations, as well as within the framework of the monitoring process (sections 6(1) and 8(3) and (4)). The Committee further notes that pursuant to section 8 of the Law, all organizations are subject to monitoring with a view to identifying whether they pursue the interests of a foreign power and that the grounds for initiating monitoring are: (i) decision of a person authorized by the Ministry of Justice; or (ii) a written application submitted to the Ministry of Justice, which contains appropriate information related to a specific organization pursuing the interests of a foreign power. The Committee observes that this provision appears to be unlimited in scope as it provides for no precise criteria as to what entities or individuals may submit statements to trigger monitoring, nor does it constrain the discretion of the Government agents. The Committee also notes the fines provided for in section 9 in case of non-compliance with the Law, namely: (i) 25,000 Georgian lari (about US$9,200) for failure to register or to submit a financial declaration; (ii) 10,000 lari for failure to fill in the registration statement or to remedy

a shortcoming, as well as 20,000 lari in case of continuation of such failure; and (iii) 5,000 lari for failure to provide the information requested by the person authorized by the Ministry.

While noting that section 1(2) states that the Law shall not restrict the activities of an entity registered as an organization pursuing the interests of a foreign power, the Committee considers that it is difficult to reconcile the additional bureaucratic burdens imposed on trade unions or employers' organizations receiving financial assistance from abroad (including from an international trade union or employers' organization to which they are affiliated), as well as various hefty penalties that can be imposed on organizations, with the right of workers' and employers' organizations to organize their administration, to freely organize their activities and to formulate their programmes. The Committee recalls that the control exercised by the public authorities over finances of workers' and employer's organizations should not normally exceed the obligation to submit periodic reports and that the discretionary right of the authorities to conduct an investigation and request information at any time entails a danger of interference in the internal administration of such organizations. The Committee recalls that legislation which seriously hampers activities of a trade union or an employers' organization on the grounds that they accept financial assistance from an international organization of workers or employers to which they are affiliated infringes the principles concerning the right to affiliate with international organizations set out in *Article 5* of the Convention.

The Committee understands that the Law has been adopted without prior consultations with the social partners and notes, in this respect, the Urgent Opinion of the Venice Commission of the Council of Europe, which expressed its deep concern at the fact that this Law was adopted in a rushed way with no meaningful consultation process. The Committee recalls that the introduction of any draft legislation affecting the rights and interests of workers and employers should be preceded by free and frank consultations with their most representative organizations. The Committee also observes that the Venice Commission considered that by repeatedly referring to organizations as "pursuing the interest of a foreign power", the Law had an effect of stigmatizing and undermining an organization receiving funds from abroad. ***In light of the above, the Committee urges the Government to amend the legislation, in consultation with the social partners, so as to explicitly exclude the organizations of employers and trade unions from its scope of application. The Committee requests the Government to provide information on progress in response to its concern, including all measures taken in this respect.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1993)

Previous comment

The Committee notes the observations of the Georgian Trade Unions Confederation (GTUC) received on 24 September 2024, which refer to matters raised by the Committee below.

Articles 1 and 3 of the Convention. Adequate protection against acts of anti-union discrimination. The Committee previously requested the Government to provide information on the concrete application of the provisions amended in 2019 and 2020 in the Law on the Elimination of All Forms of Discrimination, the Law on the Public Defender as well as the Labour Code, including on the number of complaints of anti-union discrimination at the time of hiring and non-renewal of employment contracts, the fines imposed and their amounts. The Committee notes the Government's indications regarding the number of alleged anti-union discrimination cases brought, respectively, to the district courts (2 cases), to the Office of the Public Defender (9 cases) and to the Labour Inspection Service (3 complaints). The Committee notes that one of these cases was related to recruitment while none of them were related to non-renewal of employment contracts. The Committee further notes that a fine of 3,000 Georgian lari (about US$1,100) was imposed on a company by the Labour Inspection Service following a dismissal related to trade union activities. The Committee finally notes that the Public Defender may only issue recommendations and general proposals, which are not mandatory, and does not have the authority to

apply sanctions. ***The Committee requests the Government to keep providing information on the practical application of the aforementioned provisions, including on the number of complaints of anti-union discrimination at the time of hiring and non-renewal of employment contracts, the fines imposed and their amounts as well as any other compensation implemented such as reinstatement.***

Article 2. Interference by employers and their organizations in internal trade union affairs. The Committee previously requested the Government to provide information concerning any cases of alleged interference in trade union activities from employers and their organizations. The Committee notes the Government's indication that: (i) according to the instructions of the Supreme Court of Georgia, no data is recorded in the statistical reporting forms for civil cases registration regarding article 54 of the Labour Code, which prohibits interference in the activities of employers' and employees' associations; and (ii) no cases were filed or considered by the district courts under article 166 of the Criminal Code, which provides liability for obstructing the establishment of a political, public or religious association or its activities. ***The Committee, emphasizing the importance of receiving information on judicial practice in order to assess the effective application of the Convention, requests the Government to keep providing information on any cases brought before the courts under article 166 of the Criminal Code and to take the necessary measures to provide the requested statistics regarding article 54 of the Labour Code.***

Article 4. Promotion of collective bargaining. In its previous comments, the Committee requested the Government to provide information on any progress made to establish a more functional and effective mechanism for resolution of collective labour disputes. In this regard, the Committee welcomes the adoption of Decree N301, which approved the Rule for Collective Dispute Review and Resolution through Conciliation, aimed at fulfilling the requirements of sections 61(6) and 63 of the Labour Code. The Committee notes however that pursuant to section 4(14) of the Rule, in accordance with section 63(5) of the Labour Code, the Minister has the right to terminate conciliatory proceedings at any stage, without regard to the opinion of the parties of the dispute. The Committee, emphasizing that the GTUC raises several concerns on this matter, recalls that it had previously requested the Government to ensure that the Labour Code promoted the negotiated resolution of collective labour disputes. The Committee notes the Government's indications that no mediation proceedings have been terminated by the Minister since 2013, and that the latter's decision to terminate may only be made on the basis of a report submitted by the mediator. ***Noting that section 7(4)(f) of the Rule provides that the report must be submitted at the Minister's request, the Committee requests the Government to provide clarifications concerning the respective attributions of the mediator and the Minister in the course of the procedure for unilaterally terminating the conciliation proceedings.***

Moreover, the Committee notes the information provided by the Government that: (i) 42 conciliation procedures took place during the reporting period, 14 of which ended with an agreement between the parties; (ii) a mediator was appointed for 2 collective disputes, which both resulted in an agreement; and (iii) 57 collective agreements are in force in the country, covering 109,727 workers in total. The Committee also notes the Government's indication that it has not been approached concerning the violations of collective bargaining rights at a number of enterprises alleged by the GTUC in 2021. ***Noting that the GTUC makes similar allegations in its observations in 2024, the Committee requests the Government to provide its comments in this respect.***

Organizations pursuing the interests of a foreign power. The Committee refers to its detailed comments under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), with respect to the adoption of the Law on the Transparency of Foreign Influence and the concerns expressed in this regard. In the context of the present Convention, the Committee expresses its ***concern*** about the stigmatization that could occur against professional organizations described as pursuing the interests of a foreign power (as pointed out by the Venice Commission of the Council of Europe in its Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, issued on 21 May 2024) and about the risks of anti-union discrimination against their members and the possible

obstacles to their participation in collective bargaining mechanisms that may arise as a result. ***In accordance with its observation under Convention No. 87, the Committee urges the Government to amend the legislation as to explicitly exclude the organizations of employers and trade unions from its scope of application. The Committee requests the Government to provide information on all measures taken in this respect.***

Germany

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1957)

Previous comment

Article 3 of the Convention. Right of workers' organizations to organize their administration and activities and to formulate their programmes. The Committee recalls that it has been requesting for many years the adoption of measures to recognize the right to strike of civil servants who are not exercising authority in the name of the State. In this respect, the Committee noted the 2018 decision of the Federal Constitutional Court (Case No. 2 BvR 1738/12), dismissing the complaints of teachers with civil servant status against disciplinary measures for having participated in strikes during working hours, and considering that these measures were not in violation of the freedom of association as guaranteed in article 9(3) of the Constitution. It noted that the Constitutional Court based its decisions on the interpretation of article 33(5) of the Constitution as justifying a prohibition of the right to strike for civil servants, emphasizing the traditional principles and specificities of the career civil service system (such as the payment of a salary commensurate with the civil service position, the duty of loyalty and lifetime employment). The Committee noted with regret that the Constitutional Court's decision was not in keeping with the Convention, as it amounted to a general ban on the right to strike of civil servants based on their status, irrespective of their duties and responsibilities, and in particular a ban on the right of civil servants who are not exercising authority in the name of the State (such as teachers) to have recourse to strike action. The Committee also noted that proceedings on this matter had been brought before the European Court of Human Rights (ECtHR).

The Committee notes the Government's indication, in response to its request regarding the outcome of these proceedings, that the ECtHR found that the prohibition of strikes by teachers with civil servant status is consistent with the European Convention on Human Rights, and that the disciplinary measures do not undermine freedom of association as provided for in article 11 of that Convention (see *Humpert and others v. Germany*, judgment of 14 December 2023 – 59433/18, 59477/18, 59481/18, 59494/18). The Government indicates that, in the ECtHR's opinion, while the right to strike is an important instrument, it is not the only means by which trade unions and their members can protect their respective professional interests, and that it is therefore not absolute. The Government further states that the ECtHR found that the lack of a right to strike is compensated by, among other things: the comprehensive participatory rights of trade unions and civil servants (such as the statutory right of the trade union umbrella organizations to participate in the process of drafting legal provisions for the civil service, and the participation rights of civil servants through staff councils), and the rights linked to the special status of civil servants, including the constitutional and judicially verifiable right to adequate maintenance. The Government also highlights that the ECtHR found that the interference with freedom of association through the prohibition of strikes was justified, as the Court considered effective public administration (in this specific case, the rights of others to education) to be a legitimate aim. In addition, according to the Government, in assessing the margin of appreciation afforded to national authorities under the European Convention on Human Rights concerning restrictions on the freedom of trade unions, the ECtHR emphasized the duality of employment status of teachers, and the possibility for teachers in Germany to practice the profession as employees with the right to strike rather than as civil servants.

The Committee takes due note of the ECtHR judgment, in which the latter concluded that "the measures taken against the applicants did not exceed the margin of appreciation afforded to the respondent State in the circumstances of the present case and were shown to be proportionate to the important legitimate aims pursued", and that accordingly, "there has been no violation of Article 11 of the [European] Convention [on Human Rights]" (paragraph 147 of the judgment). The Court recalled nevertheless "that the right to strike constitute[d] an important instrument for a trade union to protect the occupational interests of its members and in turn for the members of a trade union to defend their interests" (paragraph 128). The Court also noted the existence of a strong trend among the monitoring bodies set up under the specialized international instruments, towards considering that civil servants, including teachers with that status, should not per se be prohibited from strike action, and that this trend was also reflected in the practice of Contracting States (paragraphs 125 and 126). The Court acknowledged that "[t]he competent monitoring bodies set up under the specialised international instruments – notably the CEACR … as supervisory bodies for the ILO standards. … – have repeatedly criticised the status-based prohibition of strikes by civil servants in Germany, including, in particular, with respect to teachers with that status" (paragraph 126). The Committee notes that the Court reiterated that "[w]ithout calling into question the analysis carried out by those bodies in their assessment of the respondent State's compliance with the international instruments which they were set up to monitor … its task [was] to determine whether the relevant domestic law in its application to the applicants was proportionate as required by Article 11 § 2 of the [European] Convention [on Human Rights], its jurisdiction being limited to the Convention" (paragraph 126).

The ECtHR's judgment concerns the interpretation of the European Convention on Human Rights. Just as the ECtHR's "jurisdiction is limited to the [European Convention on Human Rights], [with] no competence to assess a respondent State's compliance with the relevant standards of the ILO" (paragraph 101 of the judgment), the Committee has no competence to pronounce itself on the Courts' interpretation of the European Convention on Human Rights or Germany's compliance therewith. Rather, the mandate of the Committee consists in undertaking an impartial and technical analysis of how the Conventions are applied in law and practice by Member States; in doing so, it must determine the legal scope, content and meaning of the provisions of the Conventions (see the Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), 112th Session, Geneva, 2024, General Report, paragraph 30), and, in the present case, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In this respect, the Committee recalls that it has always considered that the right to strike is one of the essential means available to workers and their organizations for the promotion and protection of their economic and social interests. While it has recognized that the right to strike may be restricted or even prohibited in the public service, the Committee has established that such a limitation may be applied only in the case of public servants exercising authority in the name of the State. In the Committee's view, public sector teachers are not included in this category and should therefore benefit from the right to strike without being liable to sanctions, even though, under certain circumstances, the maintenance of a minimum service may be envisaged in this sector (see the 2012 General Survey on the fundamental Conventions, paragraphs 129 and 130). The Committee thus observes that the situation in Germany is still not in line with the Convention in this regard. ***Regretting that it has not yet been possible to find a solution to this long-standing matter, the Committee encourages the Government to continue engaging in a comprehensive national dialogue with representative organizations in the public service with a view to finding possible ways of aligning the legislation with the Convention.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1956)

Previous comment

Articles 4 and 6 of the Convention. Right to collective bargaining with respect to conditions of employment of public servants not engaged in the administration of the State. The Committee recalls that it has been requesting, for a number of years, the adoption of measures to ensure that civil servants who are not engaged in the administration of the State, enjoy the right to collective bargaining. In this respect, the Committee noted the Government's indications, in relation to the 2018 decision of the Federal Constitutional Court (Case No. 2 BvR 1738/12), that the prohibition of the right of all civil servants, irrespective of their duties and responsibilities, follows from article 33(5) of the Constitution, which enshrines the traditional principle of the career civil servants system (such as the payment of a salary commensurate with the civil service position, the duty of loyalty, and life time employment), and that this article provides for a constitutional restriction to freedom of association as guaranteed in article 9(3) of the Constitution. The Committee therefore regretted that public servants not engaged in the administration of the State continued to be deprived of the right to bargain collectively under the Convention. It also noted that proceedings in relation to the ban on the right to strike of civil servants had been brought before the European Court of Human Rights (ECtHR) and observed that any judgment rendered in this respect might also have repercussions on the right of civil servants to bargain collectively.

The Committee notes the Government's indications, in response to its request regarding the outcome of the proceedings of the ECtHR, summarizing and highlighting certain aspects of the judgment (see *Humpert and others v. Germany*, judgment of 14 December 2023 – 59433/18, 59477/18, 59481/18, 59494/18), which the Committee notes in its comments on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). While the Committee recalls that the claim before the ECtHR did not concern the ban on collective bargaining of public servants not engaged in the administration of the State, and that the Court did therefore not assess this question, it notes that the judgment in the context of its assessment, describes the participatory rights of civil servants and their unions. In this respect, the Committee notes that the Court recalls that working conditions of civil servants in Germany are regulated by legislation and not by collective agreements (see paragraph 130), and that their trade union umbrella organizations have the statutory right to participate in the process of drafting such legal provisions for the civil service (including as regards subject matters such as wages and paternal leave), and the participation rights of civil servants through staff councils, which the Court describes as participatory rights enabling the civil service unions to persuade the employer to hear what they have to say on behalf of their members (see paragraphs 130 to 132). In this context, the Committee recalls its view that the participatory rights as described in the judgment do not fully assure appropriate machinery for collective bargaining to public servants not engaged in the administration of the State. The Committee recalls in this regard that it has been highlighting for many years that, pursuant to *Articles 4* and *6* of the Convention, all public service workers, other than those engaged in the administration of the State, should enjoy collective bargaining rights. Conscious of the special characteristics of the public sector, the Committee recalls that collective bargaining mechanisms may be adjusted in a way so as to take into account the particularities of the status of civil servants, while at the same time guaranteeing their right to bargain collectively. ***The Committee therefore encourages the Government to continue engaging in a comprehensive national dialogue with representative organizations in the public service with a view to exploring innovative solutions and possible ways in which the current system could be developed so as to effectively recognize the right to collective bargaining of public servants who are not engaged in the administration of the State, including for instance, as previously indicated by the Confederation of German Employers' Associations, by differentiating between areas of genuinely sovereign domains and***

areas where the unilateral regulatory power of the employer could be restricted to extend the participation of representative organizations in the public service. The Committee requests the Government to provide any relevant information in this respect.

Ghana

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1965)

Previous comment

Articles 2 and 3 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and join organizations of their own choosing. Right of workers' organizations to organize their activities in full freedom. The Committee recalls that, for many years, it has been requesting the Government to take the necessary measures to amend the following provisions of the 2003 Labour Act and the 2007 Labour Regulations:

- section 79(2), which excludes persons performing managerial and decision-making functions from the right to establish and join organizations of their own choosing;
- section 1, which excludes prison staff from the scope of application of the Labour Act and therefore from the right to establish and join organizations of their own choosing;
- section 80(1), which provides that two or more workers may establish or join a trade union only if they are in the same "undertaking", defined in section 175 of the Labour Act as "the business of any employer";
- section 80(2), which provides that employers must employ not less than 15 workers to establish or join an employers' organization;
- section 81, which does not explicitly authorize trade unions to form or join confederations;
- sections 154–160, which do not set any time limit with regard to mediation;
- section 160(2), under which collective disputes are referred to compulsory arbitration if they are not resolved within seven days; and
- section 20 of the 2007 Regulations which sets out too broad a list of essential services.

The Committee observes that a new Labour Act is being drafted in consultation with the social partners and notes in this respect, the Government's indication that the Committee's comments have been drawn to the attention of those involved in the process. ***The Committee expects that all of its comments outlined above will be duly taken into account so as to ensure that the new Labour Act is in conformity with the Convention and requests the Government to provide a copy thereof once adopted. The Committee also requests the Government to provide information on the progress made as regards the revision of the Labour Regulations and reminds the Government of the possibility to seek technical assistance from the Office in this respect.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1959)

Previous comment

Legislative review. The Committee observes that a new Labour Act is being drafted in consultation with the social partners and notes in this respect the Government's indication that the Committee's comments have been drawn to the attention of those involved in the process.

Articles 1 and 3 of the Convention. Adequate protection against anti-union discrimination. In its previous comment and noting that only one case of anti-union discrimination had been reported, the Committee emphasized that the absence of complaints on anti-union discrimination may be due to reasons other than an absence of acts of anti-union discrimination. It requested the Government to take

the necessary measures to ensure that the competent authorities fully take into account the issue of anti-union discrimination in their prevention and control activities, and that the workers in the country are fully informed of their rights in this respect.

The Committee notes that the Government does not provide any information on the requested measures above, and that the Government indicates that there are no records of anti-discrimination acts in the country. ***The Committee once again requests the Government to provide information on the prevention and control activities by the competent authorities in the area of anti-union discrimination, and any awareness-raising activities carried out to inform workers about their rights in this respect. It requests the Government to continue to provide statistics on anti-union discrimination acts reported to the authorities and the decisions taken in this respect.***

Article 4. Collective bargaining certification. In its previous comments, noting an absence of any relevant provision in the 2003 Labour Act and the 2007 Labour Regulations, the Committee requested the Government to take the necessary legislative or regulatory measures to determine the procedure to be followed in the event that no consensus is reached between the parties concerning the mode of verification and venue of elections for the determination of the most representative union for the purpose of collective bargaining. The Committee notes the Government's indications that relevant provisions were introduced in the draft Labour Act. ***Recalling that the criteria to be applied to determine the representative status of organizations for the purpose of bargaining must be objective, pre-established and precise so as to avoid any opportunity for partiality or abuse, the Committee requests the Government to take the necessary measures to ensure that the procedure concerning the mode of verification and venue of elections for the determination of the most representative union for the purpose of collective bargaining fully complies with the principles of the Convention.***

Article 5. Prison staff. In its previous comments, the Committee requested the Government to take the necessary measures to ensure that prison staff enjoyed the right to organize and bargain collectively whether through an amendment to the Labour Act or other legislative means.

The Committee notes the Government's observation that while this issue was considered in the review of the Labour Act, doubts were raised during tripartite consultations, as prison officers may discharge weapons in the course of their duties, and as the Security and Intelligence Act, 2020 (Act 1030) prevents prison officers from forming a union. The Government also indicates that the question of whether prison officers, immigration officers and non-security officers within the security environment can form or join a union, has been brought before the Supreme Court. The Committee has consistently emphasized that prison staff should enjoy the right to organize and collective bargaining. The Committee would like to recall in this respect that even where employees in the private or the public sector may carry a weapon in the course of their duties, but are not members of the police or the armed forces, they cannot automatically be excluded from the scope of the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 170). ***The Committee requests the Government to take, in consultation with the social partners and other concerned stakeholders, the necessary measures to ensure that prison officers enjoy the protection under the Convention in the new Labour Act to be adopted.***

Collective bargaining in practice. The Committee notes the information provided by the Government on the number of collective agreements signed and in force in the country, which does not include the requested information on the sectors concerned and the number of workers covered. ***The Committee requests the Government to continue to provide information on the number of collective agreements signed and in force in the country and to provide further details in this respect, including as regards the sectors concerned and the number of workers covered.***

The Committee expects that its comments will be duly taken into account so as to ensure that the new Labour Act is in conformity with the Convention and requests the Government to provide a copy thereof once adopted. The Committee also requests the Government to provide information on

the progress made as regards the revision of the Labour Regulations and reminds the Government of the possibility to seek technical assistance from the Office in this respect.

Grenada

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1994)

Previous comment

The Committee notes the observations of the Grenada Trade Union Council (GTUC), transmitted with the Government's report, referring to the issues raised by the Committee below.

Article 2 of the Convention. Minimum membership requirements for employers' and workers' organizations. In its previous comments, the Committee requested the Government to take measures to reduce the number of members (ten) required for the registration of an employers' organization (sections 5(2) and 9(1)(e) of the Labour Relations Act of 1999). The Committee recalled that the minimum requirement of ten employers to form an employers' organization was excessive and capable of hindering the creation of employers' organizations, particularly given the country's relatively small size. As to workers organizations, the Committee observed that sections 5(1) and 9(1)(e) of the Labour Relations Act provide for a minimum membership of 25 members for the registration of a trade union. The Committee noted the Government's indication that these provisions were being reviewed and urged the Government to provide information as to the result of the legislative revision process in this respect. The Committee notes with ***regret*** the Government's indication that no revisions have been made to date in this regard and that section 5 of the Act is not currently under review. The Committee notes the concern expressed by the GTUC regarding the minimum membership requirement and its view that reducing a minimum membership requirement would give full effect to the Convention. ***Recalling the importance of ensuring that the minimum membership number for employers' and workers' organizations be fixed in a reasonable manner so that the establishment of organizations is not hindered, the Committee urges the Government to review the above-mentioned provisions of the Labour Relations Act in consultation with the social partners and to indicate all steps taken to that end.***

Prison officers. The Committee noted in its previous comments the Government's indication that prison officers were prevented from joining organizations of their own choosing and that an organization represents the prison officers and negotiates on their behalf. The Committee requested the Government to provide detailed information in this regard, including the applicable legal provisions guaranteeing that prison officers benefit from the rights and guarantees set out in the Convention and the results of any negotiations by the identified organization on behalf of prison officers. The Committee notes the Government's indication that: (i) the Prison Officers' Welfare Association, which is established in section 42(1) of the Prisons Act 1980, is the representative of all ranks of officers at His Majesty's Prison; (ii) the Association has successfully negotiated on behalf of its representatives, resulting in salary increases and fringe benefits; (iii) sections 2(1) and (3) of the Prison Officers' Welfare Association Rules (SRO 30 of 1975) give directions on the conditions governing the constitutions of the Prison Officers' Welfare Association and the objects which they may legally pursue; (iv) the legal provisions which ensure that the Association shall not be liable to be dissolved or suspended by administrative authority can be found in section 42(2) of the Prisons Act, which states that the Association shall be entirely independent of and unassociated with anybody outside the Prison Department; and (v) Rule 11 of the Prison Officers' Welfare Association Rules facilitates the attending of meetings of the Association by members of the Prison Service. The Committee recalls that the right of workers to establish organizations of their own choosing, as set out in *Article 2* of the Convention, implies that trade union diversity must remain possible in all cases and that trade union unity imposed directly, as in the Prisons Act, is contrary to the

Convention. ***The Committee expects that all necessary measures will be taken by the Government, in consultation with the social partners, to amend the Prisons Act so as to bring it into conformity with Article 2 of the Convention. The Committee requests the Government to provide information on any progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Guatemala

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1952)

Previous comment

The Committee notes the observations of the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) received on 1 September 2024, as well as the observations of the International Trade Union Confederation (ITUC) received on 17 September 2024, referring to matters examined in the present comment.

Complaint under article 26 of the ILO Constitution

The Committee notes that, at its 351st and 352nd Sessions, the Governing Body received a complaint concerning non-observance by Guatemala of this Convention and of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), presented under article 26 of the ILO Constitution by various worker delegates to the International Labour Conference in June 2023. After recognizing at its 351st Session the commitment of the new Government to overcome the legislative and practical difficulties in the application of Conventions Nos 87 and 98, the Governing Body at its 352nd Session deferred to its 353rd Session (March 2025) the decision to consider further action in respect of the article 26 complaint (document GB.352/INS/13(Rev.1)).

Trade union rights and civil liberties. The Committee ***regrets*** to note that it has been examining since 2005 allegations of serious acts of violence against trade union leaders and members, including numerous murders, and the situation of impunity. In this regard, the Committee notes the examination by the Committee on Freedom of Association at its session in June 2024 of Case No. 2609 in relation to numerous murders and other acts of violence against members of the trade union movement.

The Committee notes the information provided by the Government concerning the status of the investigations and court proceedings relating to the murders of 100 members of the trade union movement between 2004 and 2024, according to which, up to now: (i) in 27 cases there have been sentences handed down (21 convictions, 5 acquittals and 1 security and corrective measure); (ii) the criminal prosecutions in 6 cases were terminated due to the deaths of the persons accused; (iii) in 7 cases, arrest warrants have been issued and are still to be served; (iv) in 1 case, the hearings have begun, one is at an intermediary stage and 1 is at the stage of the public oral hearings; (v) 7 cases are at the investigation stage; and (vi) 49 cases have been shelved, in accordance with section 327 of the Code of Criminal Procedure, due to the material impossibility of identifying the perpetrators of the murders. With respect to these data, the Committee notes the Government's indication that the number of sentences and other stages of proceedings are on a par with the previous year.

The Committee also notes the Government's indication that the capacities of the Investigation Unit for Crimes against Judicial Officials and Trade Unionists have been strengthened through a budget increase from US$543,960 in 2021 to US$1.7 million in 2024. The Committee also notes the Government's indication that the time needed to complete investigations and obtain convictions has been shortened from an average of three years to one year and nine months.

The Committee further notes the information provided by the Government on the security measures adopted for members of the trade union movement who are at risk: (i) between January and

July 2024, 71 protection measures were granted; (ii) the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS) has set dates in 2024 to meet with the judiciary and the Ministry of the Interior; and (iii) the trade union technical working group of the Ministry of the Interior has been reactivated with the most representative trade union leaders and members of the Autonomous Popular Trade Union Movement of Guatemala, with a meeting held in July 2024 and another scheduled for September 2024.

At the same time, the Committee notes that the ITUC: (i) reports the persistence in law and practice of serious violations of the Convention; (ii) deeply regrets the murder in October 2023 of Doris Lisseth Aldana Calderón, of the Izabal Banana Workers' Union (SITRABI); and (iii) expresses once again its deep concern regarding the anti-union killings and other acts of violence related to the trade union activities of the victims, as well as the climate of widespread impunity in the country. The Committee notes with ***deep concern*** that the Government reports the murder of Anastacio Tzib Caal, a trade union leader, on 15 June 2024.

The Committee also notes with ***deep concern*** that, during discussions held at the 352nd Session of the Governing Body on the complaint presented against the Government of Guatemala under article 26 of the ILO Constitution, the Worker spokesperson denounced the murders of six leaders and members of the trade union movement in 2024.

In light of the above, while taking due note of the action that the Government is continuing to take, the Committee firstly expresses its ***deep concern*** at the allegations of the murders of six leaders and members of the trade union movement that have occurred since 1 January 2024. The Committee recalls that the rights of workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and that it is for governments to ensure that this principle is respected. ***The Committee therefore urges the Government to take, in coordination with all the competent authorities and in close consultation with the trade union movement, the necessary steps to increase the effectiveness of measures to prevent anti-union violence and to protect members of the trade union movement who are at risk, in order to prevent new loss of human lives. The Committee requests the Government to provide detailed information on this subject.***

In relation to the investigation and penalizing of the numerous murders of members of the trade union movement since 2004, while welcoming the steady increase in the budget allocated to the Special Investigation Unit for Crimes against Judicial Officials and Trade Unionists, the Committee notes with ***deep concern*** that: (i) there have been no further convictions and no significant progress in the proceedings since the previous year; and (ii) the great majority of the many murders of members of the trade union movement that have been reported remain without convictions and only in a very limited number of cases have the instigators of the murders been identified and punished.

The Committee once again emphasizes the importance, in cases involving anti-trade union violence, of investigations achieving specific results with reliable findings concerning the crimes committed, the motives for the crimes and those responsible so that the corresponding sanctions can be applied and action taken to avoid their recurrence in future. ***The Committee therefore once again urges the Government to intensify, as a matter of utmost urgency, all necessary measures to investigate all acts of violence against trade union leaders and members with a view to promptly determining responsibilities and punishing the perpetrators and instigators of such acts, taking the trade union activities of the victims fully into consideration in the investigations. In relation to the specific action required in this regard, the Committee refers to the recommendations made by the Committee on Freedom of Association in the context of Case No. 2609 and requests the Government to explore the possibility of receiving, with the support of the Office, the technical assistance of public prosecutors' offices of other ILO Member States. The Committee requests the Government to continue providing all relevant information in this respect.***

Articles 2 and 3 of the Convention. The Committee recalls that for many years it has been requesting the Government to take measures to:

- amend section 215(c) of the Labour Code, which requires a membership of "50 per cent plus one" of the workers in the sector to establish a sectoral trade union;
- amend sections 220 and 223 of the Labour Code, which establish the requirement to be of Guatemalan origin and to work in the relevant enterprise or economic activity to be eligible for election as a trade union leader;
- amend section 241 of the Labour Code, under the terms of which strikes have to be called by a majority of the workers and not by a majority of those casting votes;
- amend section 4(d), (e) and (g) of Decree No. 71-86, as amended by Legislative Decree No. 35-96 of 27 March 1996, which provides for the possibility of imposing compulsory arbitration in non-essential services and establishes other obstacles to the right to strike;
- amend sections 390(2) and 430 of the Penal Code and Decree No. 71-86, which establish labour, civil and criminal penalties in the event of a strike by public officials or workers in certain enterprises;
- ensure that the various categories of public sector workers (hired under item 029 and other items of the budget) enjoy the guarantees afforded by the Convention.

In its previous comment, the Committee noted that, according to the information provided by the Government and the social partners, Bill No. 6162 had still not been adopted. The Committee notes the information sent by the Government on meetings between the CNTRLLS and the Parliamentary Labour Commission on 19 March and 26 June 2024 to further promote the above-mentioned Bill.

The Committee notes with ***regret***, however, that Bill No. 6162 has still not been adopted and reiterates the importance of necessary legislative reforms to give full effect to the application of the Convention. ***In light of the foregoing, the Committee once again urges the Government, in consultation with the social partners, to take the necessary measures to bring the national legislation into conformity with the Convention. The Committee firmly expects to be able to note substantial progress in this regard in the near future and recalls the availability of the Office to provide the necessary technical assistance.***

Application of the Convention in practice

Registration of trade unions. In its previous comment, the Committee requested the Government to continue providing data on the registration of trade unions, including the grounds for refusals of registration. In this respect, the Committee notes the Government's indication that in 2023: (i) 89 applications for trade union registration were received, 44 of those were registered and 1 was rejected; (ii) in 2024 (as at 26 June) 28 applications for trade union registration were received, and in this same period, 27 trade unions were registered and 7 others were refused; and (iii) the grounds for refusing registration consisted of unmet requirements in the submission of applications, including those established in sections 216, 218, 219, 220, 221 and 222 of the Labour Code on the minimum number of workers to form a trade union.

The Committee also notes the receipt by the Government of software for the registration of trade unions, which is still to be implemented. The Committee also takes due note that, according to document GB.352/INS/13(Rev.1) submitted to the Governing Body at its session of October–November 2024, the new trade union booklet, which explains the requirements and the process for establishing trade unions, was approved on 6 September 2024 following consultation with the social partners.

With respect to the legal challenge to the registration of trade unions by employers before the labour administration, a practice criticized by the workers' organizations, the Committee requested the Government to provide information on: (i) the grounds given for the appeals; (ii) whether the filing of an appeal has the effect of suspending registration; and (iii) whether the employer has access to the

identity of the members of the union that has just been registered. The Committee also notes the Government's indication that: (i) in 2023, 19 appeals or challenges were brought by employers, as well as by members of other trade unions or the workers themselves, the grounds for the appeals being, inter alia, the fact that certain founding members were workers occupying positions of trust and that certain persons were no longer workers of the enterprise; (ii) the filing of an appeal indeed has the effect of suspending the registration of a trade union; and (iii) the employer has no access to the identity of the members of a union that has just been registered.

The Committee notes these various points. It notes the persistence of a high number of applications for trade union registration that do not seem to be processed in a reasonable time (from 1 January 2023 to 24 June 2024, 117 applications for registration resulted in 71 accepted and 8 rejected, and therefore 38 cases remain undecided). The Committee also notes the latest examination, in March 2024, of Case No. 3042 by the Committee on Freedom of Association, relating to the high number of registration refusals, most of which occurred between 2012 and 2016, and in which regard the Committee on Freedom of Association referred the legislative aspects to this Committee. The Committee notes that the Committee on Freedom of Association, after noting the legislative drafts adopted by the Government to streamline the registration process, also noted that substantive legislative and institutional difficulties remain that could significantly restrict the exercise of freedom of association (inability to establish sectoral unions under the requirements of section 215(c) of the Labour Code; obstacles to the registration of organizations affiliating workers employed by the public administration on the basis of civil contracts; impact of workers considered to be occupying positions of trust on the registration process; and access by unregistered trade unions to effective remedies). The Committee lastly notes that the suspensive effect of an administrative appeal filed by the employer against the registration of a trade union may obstruct the exercise of freedom of association. ***In light of the above, while welcoming the approval of the trade union booklet that was subject to consultation with the social partners, the Committee requests the Government to continue to ensure that the issues surrounding the registration of trade union organizations are regularly monitored and submitted for consultation with the representative national federations, and addressed in a tripartite dialogue in the CNTRLLS. The Committee also requests the Government to take the necessary measures, in consultation with the social partners, to: (i) resolve the legislative and institutional difficulties identified by the Committee on Freedom of Association in Case No. 3042; and (ii) remove the suspensive effect of the administrative appeal filed by the employer against trade union registration. The Committee requests the Government to provide information in this regard and to continue to provide data on the number of registrations requested and granted.***

Awareness-raising campaign on freedom of association. The Committee notes that the Government has provided information on the scope of the awareness-raising campaign on freedom of association widely disseminated on social media networks, including publications in Kaqchikel. ***The Committee welcomes these initiatives and requests the Government to: (i) intensify the dissemination of information regarding the above campaign; and (ii) take measures to ensure that the campaign reaches sectors with the lowest trade union membership rates in the country, such as the agricultural and rural sector, and the maquila sector.***

While duly noting the efforts made by the Government, the Committee notes with concern the persistence of serious violations of the Convention. The Committee urges the Government, with the participation of the CNTRLLS and with ILO technical assistance, to intensify its efforts to overcome the legislative and practical difficulties examined in the present comment, and hopes to be able to note substantial progress in the near future.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2025].

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1952)

Previous comment

The Committee notes the observations of the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) and of the International Trade Union Confederation (ITUC) received respectively on 30 August 2024 and on 17 September 2024, referring to matters examined in the present comment. The Committee also notes that the observations of the International Trade Union Confederation (ITUC) concerning the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), received on 17 September 2024 contain allegations of acts of anti-union discrimination and obstruction of collective bargaining in a garment factory. ***The Committee requests the Government to provide its comments in this respect.***

Submission of a complaint under article 26 of the ILO Constitution

The Committee notes that, at its 351st and 352nd Sessions, the Governing Body examined a complaint concerning non-observance by the Government of Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the present Convention, submitted under article 26 of the ILO Constitution by several Workers' delegates to the International Labour Conference in June 2023. After having recognized at its 351st Session, the new Government's commitment to overcome the legislative and practical difficulties in the application of Conventions Nos 87 and 98, the Governing Body at its 352nd Session deferred to it 353rd Session (March 2025) the decision to consider further action in respect of the article 26 complaint (document GB/352/INS/13).

Article 1 of the Convention. Protection against anti-union discrimination. Activities of the labour inspection services. In its previous comments, the Committee requested the Government to provide information on the number and type of penalties imposed by the General Labour Inspectorate in trade union matters. The Committee notes the Government's indication that from 1 January to 24 August 2023, 30 complaints were filed, containing reports of 15 infringements of trade union rights, with 14 penalties imposed, amounting to 287,598.92 Guatemalan quetzales (approximately US$37,101.00). ***The Committee takes due note of this information and requests the Government to continue to provide data on the number and type of penalties imposed by the General Labour Inspectorate in trade union matters.***

Effective judicial proceedings. In its previous comments, the Committee requested the Government to continue to intensify efforts to ensure compliance with the reinstatement orders of dismissed trade unionists, taking into account the guidance established in the Diagnostic Study prepared by the Office. The Committee also urged the Government to take the necessary measures to adopt the new procedural rules so that all cases of anti-union discrimination are examined by the courts in summary proceedings and that the respective court rulings are implemented as soon as possible. The Committee notes the Government's indication that: (i) on 30 April 2024, the Office presented the "Diagnostic Study on the mechanisms for enforcing reinstatement orders in cases of dismissal of trade unionists in Guatemala" to employer, worker and Government representatives, with the participation of representatives of the Public Prosecutor's Office, the Constitutional Court and the Supreme Court of Justice, in which several recommendations were made, which were taken into account by the Government; (ii) since it was established in 2024, the Collegial Peace Court in Criminal Matters, which hears cases involving non-compliance with labour decisions, has received 380 cases (166 from the public sector, 42 from the municipalities and 124 from the private sector), of which 101 have been resolved, 154 are ongoing and 84 are under investigation; and (iii) in 2021, 2,401 reinstatements were undertaken, 727 of which were successful. The Committee also notes that the Government: (i) adds that reinstatement orders are frequently rejected and subsequently challenged through constitutional

actions of *amparo* and appeal, with the average time being approximately two years for the first and second instance, and about 18 more months for the constitutional action of *amparo* and the implementation phase; (ii) clarifies that eight cases were reported in 2023 associated with dismissals of members of a trade union in the process of being established or with dismissals of members of a trade union governing board; and (iii) states that Bill No. 5809, proposing a Labour and Social Security Procedural Code gave rise to an unfavourable opinion of the Justice Reform Commission of Congress, and is pending the opinion of the Labour Commission. While welcoming the outcome reached by the Collegial Peace Court in Criminal Matters in penalizing public and private officials who have refused to carry out reinstatement decisions, the Committee notes that, as stated in the Office's above-mentioned Diagnostic Study, the effectiveness of judicial protection against acts of anti-union discrimination requires the adoption of a series of measures to shorten the deadlines for decisions, avoid an abusive multiplication of appeals and effectively enforce judgments. In this regard, the Committee notes that the Committee on Freedom of Association has referred to the legislative aspects of Case No. 3062 (see 408th Report, October 2024, Case No. 3062), in which the Committee trusts that, in consultation with the social partners, the necessary procedural rules are adopted to ensure that all cases of alleged anti-union discrimination are examined by the courts expeditiously, and that the relevant court decisions are enforced without delay. ***The Committee therefore requests the Government to further intensify its current efforts to ensure compliance with reinstatement orders, taking due account of the guidance set out in the Diagnostic Study developed by the Office. In addition, the Committee once again urges the Government to, in consultation with the social partners, take the necessary measures to adopt new procedural rules so that all cases of anti-union discrimination are examined by the courts in summary proceedings, and that the respective court rulings are implemented as soon as possible. The Committee requests the Government to provide information on any progress made in this respect and to continue to provide statistics on the specific results achieved by the new judicial body in terms of compliance with and the execution of reinstatement orders.***

Article 4. Promotion of collective bargaining in the private sector. Possibility of bargaining at all levels. In its previous comments, the Committee noted with regret the very low number of collective agreements signed and adopted in the country. The Committee also noted that section 215(c) of the Labour Code, which requires at least 50 per cent membership in a particular sector to be able to establish an industry union, had the effect of preventing any collective bargaining at the sectoral level. The Committee notes the information provided by the Government in its report on Convention No. 87, according to which the Subcommittee on Legislation and Labour Policy of the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS) requested ILO technical assistance to facilitate the tripartite discussion relating to industry unions and sectoral bargaining. The Committee also notes the Government's information that in 2023, 15 collective agreements on working conditions were signed, and between 1 January and 20 August 2024, 18 agreements were signed (covering both the private and the public sectors). ***Recalling that collective bargaining should be possible at all levels, the Committee regrets to note the lack of progress in legislative reforms to allow for collective bargaining at the sectoral level. The Committee once again urges the Government to, in consultation with the social partners, take the necessary measures to reform 215(c) of the Labour Code, and hopes that the technical assistance of the Office, referred to by the Government, will enable it to report on the measures taken to promote collective bargaining in the private sector.***

Approval of collective agreements in the private sector. The Committee notes the Government's indication that it has submitted for consultation with the social partners draft regulations on the approval and denunciation of concluded collective agreements on conditions in the private sector. ***Recalling that: (i) approval of collective agreements is compatible with the Convention on condition that refusal of approval is restricted to cases in which the collective agreement contains flaws regarding its form or does not comply with the minimum standards laid down by the general labour legislation; and (ii) this formality must be as streamlined as possible, the Committee hopes that the***

proposed regulations formulated by the Government to regulate approval of collective agreements, will make a full contribution to the promotion of free and voluntary collective bargaining in the private sector.

Articles 4 and 6. Promotion of collective bargaining in the public sector. In its previous requests, the Committee requested the Government to carry out broad consultations with the unions concerned with a view to evaluating and guaranteeing, in the specific context of the public administration, the conformity of the approval procedure for collective agreements with the principle of free and voluntary collective bargaining, and identifying the reforms necessary to ensure that collective bargaining in the public sector is based on a clear and balanced regulatory framework. The Committee notes the Government's indications that: (i) since 2019, discussions have been held in the Subcommittee on Legislation and Labour Policy of the CNTRLLS on the need for regulations that ensure conformity of the approval procedure with the principles of collective bargaining; (ii) the current Government decided in March 2024 to establish a technical round table proposing to develop a comprehensive regulation to ensure that collective bargaining in the public sector has a clear and balanced normative framework; in this regard, consultations were held with the employers and workers on draft regulations on collective bargaining in the civil service, and draft regulations on the approval and denunciation of concluded collective agreements on conditions of work in the public sector; and (iii) consultations were held in May 2024 when the employers and workers had presented their views and proposals. The Committee takes note of these aspects and also notes that the Government has requested technical assistance from the Office to determine, based on comparative law, guidelines to improve the exercise of collective bargaining in the public sector. ***Welcoming the initiatives taken by the Government, the Committee, recalling that Guatemala has also ratified the Collective Bargaining Convention, 1981 (No. 154), trusts that the Government, in consultation with the social partners concerned, will be able to develop a regulatory framework that, taking into account the specific characteristics of collective bargaining in the public sector: (i) ensures a meaningful scope for collective bargaining of the working and employment conditions of public sector workers, including remuneration; (ii) establishes clear rules on the procedures for determining available public funds prior to the signing of collective agreements; and (iii) avoids any delay in the approval process of collective agreements. The Committee requests the Government to provide information on the progress made in this regard.***

Application of the Convention in practice. The maquila sector. In its previous comments, the Committee urged the Government, in accordance with the campaign described in the Committee's comments on the application of Convention No. 87, to take specific measures to promote freedom of association and collective bargaining in the maquila sector and to provide updated information on the exercise of collective rights in this sector. The Committee notes the Government's indications that, in coordination with the Ministry of Economy, it has identified 942 enterprises related to the maquila sector, indicating that it will coordinate with the General Labour Inspectorate for the monitoring of labour and trade union rights. ***The Committee regrets to note the lack of information from the Government on specific actions to promote freedom of association and collective bargaining in the maquila sector and also notes the absence of information requested on the exercise of collective rights in this sector. Emphasizing that the violation of trade union rights in the maquila sector constitutes one of the allegations of the complaint presented under article 26 of the ILO Constitution, the Committee once again urges the Government to take specific steps to promote freedom of association and collective bargaining in this sector and to provide updated information on the number of collective agreements in force and the number of workers covered therein, as well as the number of trade union organizations active in the maquila.***

Application of the Convention in municipal authorities. In its previous comments, the Committee urged the Government to reinforce its efforts to resolve the many existing disputes in municipal authorities in accordance with the Convention, and to engage in broad dialogue with the social partners and the respective authorities with a view to finding lasting solutions, including of a legislative nature,

to the issues arising in relation to the exercise of the collective rights of municipal workers. The Committee notes that the Government indicates its efforts at rapprochement with the National Association of Municipalities to address trade union-related matters. ***The Committee once again urges the Government to take all necessary measures, including the adoption of legislation to ensure the application of the Convention in the municipalities. The Committee requests the Government to keep it informed of any progress achieved in this respect.***

Tripartite settlement of disputes in relation to trade union matters and collective bargaining. In its previous comments, the Committee encouraged the tripartite constituents to renew their efforts to provide the Subcommittee on Mediation and Conflict Resolution of the CNTRLLS with one or more mediators so that it can begin to discharge its functions. The Committee notes the Government's indication that: (i) in the CNTRLLS meetings in November 2023, and March and May 2024, emphasis was placed on the need for ILO technical assistance to develop the profile of a mediator to manage this Subcommittee; and (ii) while progress is being made in defining and selecting a mediator, ILO technical assistance has been secured so that over the course of 2024 the capacities of the Subcommittee members are strengthened and optimized through certification courses on conflict mediation. ***The Committee hopes that the Government will soon be able to report on the appointment of a mediator and the effective start of the work of the Subcommittee on Mediation and Conflict Resolution.***

The Committee takes due note that the Government has availed itself of ILO technical assistance to address several of the serious difficulties concerning the application of the Convention that have been noted for many years. The Committee encourages and urges the Government to, with the participation of the CNTRLLS, take all necessary legislative and practical measures to resolve these issues.

[The Government is asked to reply in full to the present comments in 2025.]

Rural Workers' Organisations Convention, 1975 (No. 141) (ratification: 1989)

Previous comment

Article 3 of the Convention. Right of all rural workers to establish organizations of their own choosing without previous authorization. In its previous comment, noting that the law of Guatemala requires a minimum number of 20 workers to form a union, that small enterprises account for a large majority of companies in the rural sector, and that there are only nine workers' organizations that have currently valid legal personalities, the Committee urged the Government to take the necessary measures in the near future to amend the requirements relating to the establishment of sectoral unions set out in section 215(c) of the Labour Code (which requires a membership of "50 per cent plus one" of the workers in a sector to establish a sectoral trade union), to facilitate and extend the possibilities for the establishment of unions that cover workers in several enterprises in the rural sector. The Committee notes that the Government indicates that the Subcommittee on Legislation and Labour Policy of the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS) has requested ILO technical assistance to facilitate tripartite discussion on this matter. ***With reference to its comments made in respect of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee again urges the Government, after consultation with the social partners, to take the necessary measures to amend section 215(c) of the Labour Code to facilitate and extend the possibilities for the establishment of unions that cover workers in several enterprises in the rural sector. The Committee hopes that the ILO technical assistance mentioned by the Government will enable it to report on tangible progress in the near future. The Committee also requests the Government to provide up-to-date statistics on workers' organizations with valid legal personality in the country.***

In response to serious allegations of anti-union practices in the agricultural sector, the Committee also requested the Government to provide fuller information on the action and interventions of the

General Labour Inspectorate (IGT) in respect of freedom of association in the rural sector. The Committee notes the statistics communicated by the Government regarding the IGT activities in 18 of the country's departments between 1 January 2021 and 17 May 2024, according to which 432 complaints were received and a total of 68 penalties were imposed. The Government also indicates that 3,180 trade union leaders are registered at the Ministry of Labour and are benefitting from employment security. While noting the data provided by the Government, the Committee recalls that in conformity with *Article 2* of the Convention, the term rural workers means any person engaged in agriculture, handicrafts or a related occupation in a rural area. The Committee observes that the information provided by the Government appears instead to cover all workers and economic activities in the 18 departments mentioned above, and not solely the rural workers as specifically defined by the Convention. In its previous comment, having observed that the IGT had clearly identified the substantial challenges to the protection of the exercise of trade union rights in the rural sector (seasonality of work and contracts, linguistic barriers with indigenous workers, difficulties of access to certain enterprises, weak trade union organization in the sector), the Committee requested the Government to report on action taken to assess measures and tools to reinforce the effectiveness of action by the IGT and other relevant public authorities to prevent and resolve situations of anti-union discrimination in the rural sector. The Committee ***regrets*** the absence of information from the Government in this respect. ***In light of the above, the Committee reiterates its request to the Government to provide specific data on the actions and interventions of the IGT in relation to freedom of association of rural workers as defined under Article 2 of the Convention (indicating in particular of the number of complaints lodged concerning the exercise of trade union rights and the related decisions, as well as the number of trade union leaders registered so that they benefit from employment security). Recalling that Guatemala has also ratified the Right to Organise and Collective Bargaining Convention, 1948 (No. 98), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Plantations Convention, 1958 (No. 110), the Committee once again requests the Government to proceed to an assessment of measures and tools to reinforce the effectiveness of action by the IGT and the other relevant public authorities to prevent and resolve situations of anti-union discrimination in the rural sector.***

Articles 4–6. Promotion of organizations of rural workers and their role in economic and social development. In its earlier comments, the Committee requested the Government to: (i) reinforce information activities on and the promotion of freedom of association and collective bargaining through initiatives targeting the rural sector; (ii) compile the information available on the collective agreements in force that cover rural workers; and (iii) promote dialogue with the associations of rural workers, including those of self-employed workers and small producers, in mechanisms for the adoption of public decisions that affect them; and (iv) supplement the information provided on associations in the rural sector by providing further details on associations of self-employed workers and small producers, including information on solidarist associations.

The Committee notes that the Government again recalls that, with ILO support, the Campaign on Decent Work in the Agricultural Sector was launched in 2021 through digital media, and in 2023 and 2024 publications on freedom of association appeared in the national press. With regard to the collective agreements covering rural workers, the Committee notes that although the Government refers to eight collective agreements, it appears that these mostly do not correspond to the scope of application of the Convention, as they are agreements directed at public municipality employees, and moreover none of them is in force. Regarding measures and action to promote dialogue with associations of rural workers, including associations of self-employed workers and small producers, the Committee notes the Government's indication that: (i) the National Agricultural Development Council (CONADEA) of the Ministry of Agriculture, Livestock and Food (MAGA) has created a space for dialogue, consultation, coordination, exchange of information and for bringing together the MAGA and the sectors connected to agricultural activity and the working groups of 18 agricultural chains, with a view to reactivating and modernizing agriculture, as well as reactivating and modernizing the livestock, forestry and hydrological

agricultural sub-sectors; and (ii) the MAGA collaborates regularly with around 30 rural organizations (list appended) on the implementation of programmes and projects, to ensure inclusion of the organizations and that they are taken into account in the design, discussion, follow-up and evaluation of policies that contribute to the well-being of the rural population. ***While taking due note of the information provided and observing with concern the absence of information from the Government on any collective agreement in force that covers rural workers, the Committee requests the Government to: (i) reinforce information activities on, and the promotion of, freedom of association and collective bargaining through initiatives targeting rural workers, ensuring their divulgation through the media most used in those areas and in the most spoken languages of the regions; (ii) compile the information available on the collective agreements in force that cover rural workers, as defined in Article 2 of the Convention; and (iii) continue providing details of the dialogue with associations of rural workers, including self-employed workers and small producers, in the mechanisms for the adoption of public decisions that affect them. Finally, observing that no information has been provided in this regard, the Committee again requests the Government to provide detailed information on solidarist associations in the rural sector, and on the content of their activities.***

[The Government is asked to reply in full to the present comments in 2025].

Guinea

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1959)

Previous comment

Civil liberties and trade union rights. In its previous comment on the application of the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee noted that, by decision of 13 May 2022, the transitional government prohibited any demonstrations in public thoroughfares likely to compromise the social peace and the proper implementation of its scheduled activities, specifying that any breach of this order would entail legal consequences against the perpetrator(s). It notes that during the discussion in the Committee on the Application of Standards of the International Labour Conference (Conference Committee) in June 2024, the Worker Members stated that the deterioration in the human and trade union rights situation in Guinea has only worsened since 2022. They also referred to the arrest of Mr Sékou Jamal Pendessa, Secretary-General of the Guinean Press Professionals' Union (SPPG), on 19 January 2024, for participating in an "unauthorized assembly", after his union had called for protest against the media restrictions imposed by the Government since May 2023, and who was released after three days of strikes and protest on 28 February 2024. The Committee notes from the information provided by the Government in its report on the application of Convention No. 105, that his case is pending before the Supreme Court. In this respect, the Committee would like to recall that the interdependence of respect for fundamental rights and freedom of association implies, in particular, that the public authorities cannot interfere in the legitimate activities of organizations by means of arrests (see the 2012 General Survey on the fundamental Conventions paragraph 60). ***Recalling the request by the Conference Committee to quash the convictions brought against Sékou Jamal Pendessa, the Committee requests the Government to provide a copy of the decision of the Supreme Court. Noting that the Transitional Charter foresees the rebuilding of the State and the adoption of a new Constitution by referendum, and that the 2014 Labour Code is currently under review, the Committee firmly expects the Government to take the necessary measures to ensure that the new Constitution, the Labour Code as well as any legislative or regulatory texts fully comply with the principles recognized by the Convention, as per the Committee's comments below, and to provide the copy of any relevant texts adopted.***

Article 3 of the Convention. Right of organizations to organize their activities and to formulate their programmes. The Committee recalls that on more than one occasion it has requested the Government to:

- amend section 431.5 of the Labour Code in order to limit the possibility of establishing a minimum service in the event of a strike to the following situations: (a) in services the interruption of which would endanger the life, personal safety or health of the whole or part of the population (or essential services "in the strict sense of the term"; (b) in services which are not essential in the strict sense of the term, but in which strikes of a certain magnitude and duration could cause an acute crisis threatening the normal conditions of existence of the population; and (c) in public services of fundamental importance (see the 2012 General Survey on the fundamental Conventions, paragraph 136);
- amend section 434.4 of the Labour Code in order to: (i) limit recourse to compulsory arbitration to bring an end to a collective labour dispute or a strike; (ii) limit recourse to compulsory arbitral decisions to situations in which the strike itself may be subject to restrictions, or even prohibited, namely: (a) in the case of disputes concerning public servants exercising authority in the name of the State; (b) in disputes in essential services in the strict sense of the term; or (c) in situations of acute national or local crisis, but only for a limited period of time and to the extent necessary to meet the requirements of the situation (see the 2012 General Survey on the fundamental Conventions, paragraph 153); and (iii) no longer empower the public authorities, in the event that one of the parties objects, to bring an end to a strike, instead of the highest judicial body.

The Committee notes the information on the existence of a draft revision of the Labour Code in the Government's report on the implementation of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In this regard, it also notes the Government's indication that the matter of the determination of minimum services will be resolved by ministerial decree, pursuant to the provisions of the new Labour Code, once it is adopted. ***The Committee expects that the new Labour Code will be adopted as soon as possible, and that the comments that it has made will be taken into account in the course of the revision so as to bring the labour legislation into full conformity with the Convention. It requests the Government to provide information on any progress in this respect, including with regard to the adoption of regulatory texts for the determination of minimum services in the event of strikes.***

In its previous comments, the Committee asked the Government for information on the measures taken to establish an independent body, which has the confidence of the parties, to resolve any disagreements with respect to the determination of minimum services, through the framework for concerted social dialogue, and on the role played by the National Social Dialogue Council (CNDS) in this regard. The Committee also requested the Government to provide information on the minimum services which, according to the Government, have been determined for the communication and transport services.

The Committee understands from the Government's reply that the CNDS, which has been operational since January 2023, does not include the determination of minimum services in the event of a disagreement among its regular functions, but intervenes only in the event of major disputes and manifest disagreement between the social partners. The Committee recalls that any disagreement on minimum services should be resolved, not by the government authorities, but by a joint or independent body which has the confidence of the parties (see the 2012 General Survey on the fundamental Conventions, paragraph 138). ***The Committee trusts that the Government will proceed rapidly to establish an independent body which has the confidence of the parties and is responsible for determining minimum services when there is no agreement between the parties on the matter. Furthermore, in view of the absence of information in this regard, the Committee once again requests***

the Government to provide information on the minimum services determined in the communication, transport and other sectors.

Guinea-Bissau

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1977)

The Committee takes note of the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024, denouncing severe impediments to the exercise of legitimate trade union activities, including the right of the National Union of Workers of Guinea – Union Center (UNTG-CS) to bargain collectively on behalf of its members. ***The Committee requests the Government to provide its comments in this regard.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the Government's indication that the new Labour Code was adopted by the National Assembly in July 2021 and is awaiting promulgation by the President of the Republic. Once promulgated, the Labour Code will repeal the General Labour Act No. 2/86.

Scope of the Convention. Categories of workers. For several years now, the Committee has been asking the Government to communicate information on the status of the draft legislation regarding the guarantee of the rights protected by the Convention to agricultural and dockworkers. The Committee noted the Government's indication that these matters were adequately addressed in the new Labour Code under approval. The Committee notes the Government's indication that agricultural and dockworkers are covered by the new Labour Code, However, it observes, according to section 21 of the new legislation, that the following are subject to a special regime, without prejudice to the application of the general provisions of the Code which are not incompatible with the special regimes: employment contracts issued for (a) domestic work; (b) group employment; (c) apprenticeship or training; (d) work on board commercial and fishing vessels; (e) work on board aircraft; (f) dock work; (g) rural work; and (h) work performed by foreigners. In this regard, the Committee observes that the general provisions of the Labour Code in respect of freedom of association and collective bargaining (sections 395, 396 and 397) cover only the right to establish trade union organizations, their autonomy and independence, and the prohibition of anti-union discrimination. ***Emphasizing all workers, with the sole exception of members of the armed forces and the police, as well as public servants engaged in the administration of the State must have access to all the rights guaranteed by the Convention and, in particular, the right to collective bargaining, the Committee requests the Government to indicate in what manner the special regimes for the different categories of workers mentioned above regulate their collective rights.***

Articles 4 and 6. Collective bargaining rights of public servants not engaged in the administration of the State. In its previous comments, the Committee also requested the Government to provide information on measures taken to adopt special legislation which, under section 2(2) of Act No. 08/91 on freedom of association, was to regulate the right to collective bargaining of public servants who are not engaged in the administration of the State. The Committee notes the Government's indication that the public servants who do not exercise functions directly connected to the administration of the State are also protected by the provisions of the new Labour Code. The Committee observes, in the regard, that while section 2 of the Labour Code indicates the provisions of the Code applicable to the legal relationship in public employment, without prejudice to the provisions of the special legislation, the right to collective bargaining is not included in these provisions. ***In the absence of other information brought to its attention, the Committee requests the Government to specify the provisions or mechanisms whereby the different categories of public servants not engaged in the administration of the State my negotiate their working conditions and terms of employment and to provide information on the different agreements signed with the public employees' and servants' organizations.***

Article 4. Promotion of collective bargaining. Procedures for extending collective agreements. The Committee observes that section 503 of the new Labour Code provides that the member of the Government responsible for the area of work may, by means of regulations, determine the entire or partial extension of

collective labour agreements to employers of the same sector of activity and to workers of the same or a similar occupation. ***Recalling that the request to extend a collective agreement must, as a general rule, be made by one or more employers and workers organizations which are party to the collective agreement, the Committee requests the Government to take the necessary measures to modify the legislation to ensure that the extension of collective agreements are subject to tripartite consultations (even where they provide, as is the case in section 504 of the Labour Code, that the parties affected by the application of an extended collective agreement may submit an objection to the draft extension regulation).***

Promotion of collective bargaining in practice. In its previous comments, the Committee requested the Government to provide information on the number of new collective agreements signed and on the number of workers covered by them. The Committee notes the Government's indication that, to date, it does not have this information at its disposal, but that it will provide it as soon as it is available. ***Emphasizing the importance of having available statistical data in order to be able to evaluate more accurately the need to promote collective bargaining, the Committee hopes that the Government will soon be in a position to indicate the number of collective agreements concluded, the sectors covered and the number of workers concerned.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Guyana

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1966)

Previous comment

Article 4 of the Convention. Promotion of collective bargaining. In its previous comment, the Committee requested the Government to take the necessary measures to ensure that when the 40 per cent threshold set out in the Trade Union Recognition Act, is not reached, the existing unions should be given the possibility, jointly or separately, to bargain collectively, at least on behalf of their own members. The Committee notes the Government's indication that section 21 of the Trade Union Recognition Act allows for a union to be certified as a majority union even if it garners less than 40 per cent support, provided the secret ballot includes at least 40 per cent of the workers, when two or more trade unions have applied to be recognized as a majority union for the same bargaining unit. While taking due note of this information, the Committee remains ***concerned*** that this is the only circumstance under the Act where a union can engage in collective bargaining without meeting the 40 per cent threshold**.** The Committee observes in particular that according to section 20 of the Act, when only one union seeks recognition to be able to bargain collectively, it will be certified as the majority union only if at least 40 per cent of the workers comprised in the appropriate bargaining unit support it on the application date. ***Recalling that it has been addressing this matter since 1999, the Committee urges the Government to take, in consultation with the most representative social partners, all necessary measures to ensure that the thresholds established by legislation to become a bargaining agent effectively guarantee the promotion of collective bargaining, including by adding provisions to ensure that, if the threshold is not met, existing unions are still granted the opportunity to engage in collective bargaining, either jointly or individually, at least on behalf of their own members.***

Collective bargaining in practice. The Committee notes the Government's indication that (i) between 2020 and 2023, many collective agreements were signed in various sectors including, but not limited to, agriculture, telecommunications, security, utilities, distribution, insurance, banking, gasoline, retail, government services and manufacturing; (ii) while the exact numbers remain unavailable, approximately 9,475 workers were covered by the 22 collective agreements signed in 2021, 8,136 were covered by the 21 collective agreements signed in 2022 and 8,131 were covered by the 18 collective

agreements concluded in 2023, amounting to a total of 25,742 workers; and (iii) in 2024 (until August), eight collective agreements were signed between four trade unions and eight employers. ***Taking due note of this information, the Committee invites the Government to continue to provide statistical information on the number of collective agreements concluded and in force in the country, indicating the sectors concerned and the number of workers covered.***

Haiti

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1979)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the Confederation of Public and Private Sector Workers (CTSP), received on 30 August 2023, as well as those of the International Trade Union Confederation (ITUC), received on 27 September 2023, which once again refer to the extremely serious and violent crisis in the country, and the repercussions this has on the exercise of trade union rights, which are already particularly under threat. ***Taking note of the extent of the crisis in which the country is immersed at all levels, the Committee can only refer to its previous observation and direct request of 2020 and express the hope that the Government will be able to comment on all of the issues raised in the near future. To this end, the Committee reiterates that any request for technical assistance addressed by the Government to the Office will be acted upon as soon as possible.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1957)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes the observations made by the International Trade Union Confederation (ITUC), received on 27 September 2023, which relate to the extremely serious and violent crisis in the country, and which largely refer to those formulated in 2022.

The Committee notes the observations of the International Trade Union Confederation (ITUC), received on 1 September 2022, which contain new allegations of serious violations of freedom of association in the textile sector, such as anti-union dismissals. The Committee also notes the observations of the Confederation of Public and Private Sector Workers (CTSP) and the Confederation of Haitian Workers (CTH), received on 2 November 2022, which, in the context of the extremely serious and violent crisis in the country, denounce the blatant limitations on the right to organize and bargain collectively in practice. ***The Committee notes the extent of the crisis affecting the country at all levels and hopes that the Government will be able to comment on the issues raised in the near future.***

The Committee notes with ***deep concern*** that the Government's report, which has been expected since 2014, has not been received. In light of the urgent appeal made to the Government in 2020, the Committee is proceeding with the examination of the application of the Convention on the basis of information at its disposal. While being aware of the difficulties faced by the country, the Committee recalls that it raised questions concerning the application of the Convention in an observation, which particularly concerned the need to strengthen protection against anti-union discrimination as well as the penalties provided in this regard. It recalls also that its comments concern allegations of serious violations of freedom of association in practice, especially in several enterprises in textile export processing zones, and the lack of social bargaining in the country. ***In the absence of additional observations from the social partners and having no***

indication at its disposal of progress made on these pending issues, the Committee refers to its previous observation of 2020 and urges the Government to provide a complete response in 2022 to the questions raised. For that purpose, the Committee expects that any request for technical assistance, in relation with Conventions ratified by the country, that the Government may wish to address to the Office will be taken up as soon as possible.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Honduras

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1956)

Previous comment

The Committee notes the observations of the Honduran National Business Council (COHEP), received on 30 August 2024, and the International Trade Union Confederation (ITUC), received on 17 September 2024, which relate to matters examined by the Committee in the present comment.

Trade union rights and civil liberties. In its previous comment, the Committee firmly urged, once again, the Government and all the competent authorities to: (i) take specific and rapid measures, including budgetary measures, to comply fully with the elements in the tripartite agreement of 2019 concerning action against anti-union violence, ensuring that the Committee on Anti-Union Violence holds its meetings and providing the necessary and vital impetus for it to succeed in the performance of its functions, ensuring the active involvement of all relevant authorities; (ii) institutionalize and make effective the participation of the representative trade unions in the National Council for the Protection of Human Rights Defenders; (iii) draw up a special investigation protocol to enable the Office of the Public Prosecutor to examine, systematically and effectively, any anti-union motives behind potential acts of violence affecting members of the trade union movement; (iv) ensure that the criminal courts give priority treatment to cases of anti-union violence; and (v) ensure adequate and prompt protection for all at-risk members of the trade union movement. The Committee also urged the Government to report on the progress made on each of these points, as well as the progress made in the investigations and prosecutions relating to the acts of violence that have affected members of the trade union movement.

The Committee recalls that, in its previous comment, it noted the status of the investigations and prosecutions relating to 14 cases of murder of members of the trade union movement. The Committee notes the following updated information provided by the Government: (i) a final judgment has been handed down in relation to the murder of Claudia Larissa Brizuela Rodríguez; (ii) nine cases of murder that took place between 2010 and 2020 are still under investigation (Sonia Landaverde Miranda, Alfredo Misael Ávila Cantillano, Evelio Posadas Velásquez, Juana Suyapa Posadas Bustillo, Glenda Maribel Sánchez García, Fredy Omar Rodríguez, Oscar Obdulio Turcios Fúnes, Jorge Alberto Acosta Barrientos and Roger Abraham Vallejo Soriano) and detailed information has been provided in relation to the progress made in each of the investigations; and (iii) the convictions handed down in relation to the murders of José Ángel Flores and Silmer Dionisio George were notified on 6 June 2023. The Government does not provide information on the status of the prosecutions relating to the murders of Alma Yaneth Díaz Ortega and Uva Erlinda Castellanos Vigil.

The Committee notes that the Government provides information on the status of the prosecutions relating to the murders of four other members of the trade union movement, indicating that: (i) arrest warrants have been issued in relation to the murders of Héctor Orlando Martínez Motiño and José Adán Mejía Rodríguez (murders that took place in 2015 and 2020, respectively); (ii) a conviction was handed

down in relation to the murder in 2015 of Donatilo Jiménez Euceda; and (iii) the conviction in relation to the murder in 2020 of Félix Vásquez is final.

The Committee further notes the ITUC's indication that it regrets the murders on 24 June 2023 of 13 persons, including 4 trade union leaders, Xiomara Cocas, Delmer García, Lesther Almendarez and José Rufino Ortíz. The Committee notes that the ITUC indicates the murders took place the week the management of the factory where the leaders worked announced the closure of the factory and that the trade union was in early talks about the closure, which would have left 2,700 workers unemployed. The Committee notes that the Government reports that an investigation is under way, that witness statements have been taken, that ten suspects have been identified and that the proceedings so far have established that the motive was related to a territorial dispute over the sale of drugs.

While noting the updated information provided by the Government on the status of the above-mentioned investigations and prosecutions, the Committee expresses its ***deepest concern*** at the numerous murders of members of the trade union movement and at the fact that several of the investigations and prosecutions relating to murders that took place more than a decade ago are still pending. Recalling once again that justice delayed is justice denied, the Committee reaffirms the fundamental importance of ensuring that the criminal courts give priority treatment to cases of anti-union violence and that the Government ensures adequate and prompt protection for all at-risk members of the trade union movement.

The Committee notes the Government's indication that, while anti-union violence persists in the country and many challenges remain, social justice and dialogue are pillars of its administration and various actions have been taken to date to give effect to the tripartite agreement signed after the direct contacts mission in 2019. The Government emphasizes, in this regard, the revival of the tripartite Committee on Anti-Union Violence, which was established in 2019 and inactive from 2021 to 2023. The Committee notes the Government's indication that: (i) on 15 March 2024, the tripartite Committee on Anti-Union Violence was revived with the attendance of representatives of the most representative workers' and employers' organizations in the country, as well as senior officials and representatives of the Presidential Secretariat, the Office of the Public Prosecutor, the National Commissioner for Human Rights and the Supreme Court of Justice; and (ii) the participants reiterated the importance of that Committee as a space for the coordination of efforts and exchange of information between the tripartite constituents and judicial officials, highlighting the importance of ensuring that it meets regularly and analysing the progress made in cases pending investigation and prosecution. The Committee notes that COHEP indicates that the Committee in question was renamed the "Committee against Union Violence" and also notes that both the Government and COHEP indicate that that Committee held working meetings in April and May 2024, during which they agreed on several points, such as: (i) establishing a work schedule with monthly meetings; (ii) keeping channels of communication open between officials; and (iii) requesting ILO support to review and implement an investigation protocol at the Office of the Public Prosecutor. The Government also indicates that: (i) it has prepared draft Standing Orders and has sent them to all the participants; and (ii) changes in government staff have made it difficult to appoint a new chair of the Committee, which, combined with the absence of comments from the workers' representatives on the Standing Orders, have prevented the work from continuing.

The Committee notes that COHEP indicates that in August 2024 it requested the Government to revive the Committee against Union Violence, which was at a standstill. The Committee notes the Government's indication that it hopes to be able to appoint a new representative to chair the Committee as soon as possible in order to regain momentum and continue the work of consolidating and reviewing cases of anti-union violence. The Committee further notes that, in addition to providing information on the Committee against Union Violence, the Government indicates that, in accordance with the tripartite agreement of 2019, it has signed a collaboration agreement with the three trade union confederations to increase their technical and operational capacity, including support to raise awareness of the rights

to freedom of association and freedom to organize in the country, and that the State is expected to continue to support these confederations in 2024–25.

The Committee duly notes all the above-mentioned information and welcomes the actions taken to date under the tripartite agreement of 2019. The Committee welcomes, in particular, the revival of the Committee against Union Violence in early 2024 and the Government's commitment to appointing a representative to chair the Committee so that it can regain momentum as soon as possible and continue its work. ***In view of the above, the Committee firmly expects that the Government will give the Committee against Union Violence the necessary and vital impetus for it to continue its activities as soon as possible and to fully carry out its objectives and functions. In this regard, the Committee urges the Government and all the competent authorities to: (i) continue to take specific and rapid measures, including budgetary measures, to comply fully with the elements in the tripartite agreement of 2019, concerning action against anti-union violence; (ii) institutionalize and make effective the participation of the representative trade unions in the National Council for the Protection of Human Rights Defenders; (iii) draw up a special investigation protocol to enable the Office of the Public Prosecutor to examine, systematically and effectively, any anti-union motives behind the acts of violence affecting members of the trade union movement; (iv) ensure that the criminal courts give priority treatment to cases of anti-union violence; and (v) ensure adequate and prompt protection for all at-risk members of the trade union movement. The Committee requests the Government to report in detail on all progress made with respect to each of these points, as well as the progress made in the investigations and prosecutions relating to the acts of violence that have affected members of the trade union movement and, in particular, relating to the above-mentioned cases.***

Articles 2 et seq. of the Convention. Establishment, autonomy and activities of trade unions. The Committee recalls that it has been requesting the Government for many years to amend the following provisions of the Labour Code to bring them into conformity with the Convention:

- the exclusion from the rights and guarantees of the Convention of workers in agricultural and stock-raising enterprises which do not permanently employ more than ten workers (section 2(1));
- the prohibition of more than one trade union in a single enterprise (section 472);
- the requirement of at least 30 workers to establish a trade union (section 475);
- the requirement that the officers of a trade union must be of Honduran nationality (sections 510(a) and 541(a)), be engaged in the corresponding activity (sections 510(c) and 541(c)) and be able to read and write (sections 510(d) and 541(d));
- the prohibition on strikes called by federations and confederations (section 537);
- the requirement of a two-thirds majority of the votes of the total membership of the trade union organization in order to call a strike (sections 495 and 563);
- the authority of the competent minister to end disputes in oil industry services (section 555(2));
- government authorization or a six-month period of notice for any suspension of work in public services that do not depend directly or indirectly on the State (section 558);
- the referral to compulsory arbitration, without the possibility of calling a strike for as long as the arbitration award is in force (two years), of collective disputes in public services that are not essential in the strict sense of the term (sections 554(2) and (7), 820 and 826).

In its previous comment, the Committee encouraged the Government and all the parties concerned, with the technical support of the Office, to make every effort to revive the various technical bodies attached to the Technical Secretariat of the Economic and Social Council (CES) and to hold tripartite discussions to enable progress to be made in the implementation of the requested reforms. The Committee notes the Government's indication that the CES Assembly, the highest governance body composed of the three workers' confederations, COHEP, the Presidential Secretariat and the Secretariat of Labour and Social Security, agreed to revive the sectoral committees attached to the CES (technical

bodies), specifically the Sectoral Committee on International Labour Standards (MENIT), the Sectoral Committee on Decent Employment (MSED) and the Law Commission. The Government indicates that these committees were formed with new representatives and that, in October 2023, MENIT, the MSED and the Law Commission resumed their work, addressing various issues related to the social and economic sector. The Government also indicates that, unlike MENIT and the MSED, the Committee for the Handling of Disputes referred to the ILO (MEPCOIT), which in 2019 had taken up, once again, the issue of reforms to the Labour Code, has not been able to resume its meetings. The Government estimates that the next meeting of the MEPCOIT will take place before the third quarter of 2024 and indicates that its agenda will include reforms to the Labour Code. The Committee welcomes the revival of two of the sectoral committees attached to the CES, while also ***deeply regretting*** that to date no measures have been taken to amend the above-mentioned provisions of the Labour Code to bring them into conformity with the Convention. ***The Committee strongly encourages the Government and all the parties concerned, with the technical support of the Office, to make every effort to ensure that the MEPCOIT resumes its activities on a regular basis and that tripartite discussions can be held to enable progress to be made in the implementation of the reforms that have been requested for many years. The Committee requests the Government to report on any developments in this regard, as well as the actions taken by the sectoral committees.***

New Penal Code. In its previous comments, after noting some concerns regarding the impact of certain provisions of the Penal Code adopted in 2020 on the free exercise of trade union activities, the Committee requested the Government to provide information on the consultation process initiated in this respect. The Committee notes the Government's indication that, although a discussion on reforms to the Penal Code is being held in the Standing Committee and the Constitutional Affairs Committee of the National Congress, no reform bill has been submitted to date. The Committee further notes COHEP's indication that this issue has not been addressed in the meetings of the CES. ***The Committee once again requests the Government to provide information on the consultation process that it previously indicated had been initiated on the impact of certain provisions of the Penal Code of 2020 on the exercise of trade union activities.***

Application of the Convention in practice. In its previous comment, the Committee recalled the essential role that the MEPCOIT could and must play in the resolution of labour disputes and urged the Government and all the parties concerned to make every effort to ensure that that Committee, which had been inactive since May 2021, resumed its activities as soon as possible. The Committee notes the Government's indication that MEPCOIT plays a fundamental role in the early resolution of disputes through social dialogue and also notes that, according to COHEP, the Standing Orders of the MEPCOIT were approved in a tripartite manner by the CES Assembly on 17 May 2024. COHEP also indicates that it will begin chairing the CES from October 2024 and that its first action will be to revive all the technical bodies attached to the CES. ***Recalling once again the essential role that the MEPCOIT can and must play in the resolution of labour disputes, the Committee firmly expects that all the parties concerned will make efforts to ensure that the MEPCOIT resumes its activities on a regular basis so that it can play an active role in the resolution of labour disputes. The Committee requests the Government to report on this matter and reiterates that the Office is available to offer technical assistance in relation to this and all the issues raised in this comment.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1956)

Previous comment

The Committee notes the Government's reply to the observations of the Honduran National Business Council (COHEP) and the International Trade Union Confederation (ITUC) of 2021. The Committee also notes the observations of COHEP received on 30 August 2024 on the issues examined by the Committee in the present comment.

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. Noting the progress contained in the Labour Inspection Act (2017) and in the reform of the Penal Code (2019), the Committee requested the Government to provide information on the processing of complaints of anti-union acts and on the average duration of legal proceedings in cases of anti-union discrimination. The Committee notes the Government's indication that: (i) the Labour Inspection Act has had a positive impact on the exercise of trade union rights, especially in the maquila sector; (ii) between 2019 and 2022, 44 complaints of acts of anti-union discrimination were filed and not 222 as previously indicated; (iii) 3 of these complaints concern dismissals of trade union leaders, one of whom was reinstated, while the other cases are pending; and (iv) between 2022 and 2024, 174 complaints of anti-union discrimination were filed. The Committee notes that in October 2023, the Committee on Freedom of Association examined Case No. 3368 and drew its attention to the aspects concerning the application in practice of the Act in question. The Committee observes that the Committee on Freedom of Association noted the particularly lengthy nature of the administrative procedures for anti-union dismissals of up to five years and observed that certain decisions of the labour inspectorate are allegedly not being enforced (see 404th Report). The Committee also notes that, under Agreements No. 342 of 2022 and No. 433 of 2023, attached by the Government, the Ministry of Labour and Social Security (SETRASS) decided, based on the cumulative increase in the inflation index, to increase the fines for violations of freedom of association from 312,660 lempiras in 2018 (approximately US$12,400) to 391,406 lempiras in 2023 (approximately US$15,522). The Committee further notes that COHEP indicates that SETRASS has allegedly indicated that it does not have a record of the payment of fines and does not know how many have been paid. ***In the light of the above, and recalling that the existence of legal provisions prohibiting acts of anti-union discrimination is not enough if they are not accompanied by effective and rapid procedures to ensure their application in practice (see the 2012 General Survey on the fundamental Conventions, paragraph 190), the Committee requests the Government to take the necessary measures to ensure the prompt and effective implementation of the sanctions and remedial measures applied. It also requests the Government to provide up-to-date and detailed information on the complaints filed, the number of sanctions imposed and the number and amount of fines paid. The Committee also invites the Government to provide information on the average duration of legal proceedings for anti-union discrimination (including appeals) and the outcomes of such proceedings.***

In its previous comment, the Committee referred to the possibility of incorporating the content of Ministerial Agreement No. STSS-196-2015, which protects workers wishing to form trade unions, in the Labour Code reform process, which has been in the hands of the Committee for the Handling of Disputes referred to the ILO (MEPCOIT) since 2019. The Committee notes that, according to COHEP: (i) the MEPCOIT has been inactive since May 2021; (ii) in October 2023, it requested the revival of the MEPCOIT; and (iii) on 17 May 2024, its rules of operation were approved. The Committee notes that, according to the Government, the workers and employers have yet to reach an agreement on the Labour Code reforms. ***The Committee once again encourages the Government and the social partners to consider this matter in the context of the Labour Code reform and firmly hopes that all the parties concerned will make their utmost effort to ensure that the MEPCOIT resumes its activities on a regular basis as soon as possible. The Committee requests the Government to provide information in this regard and reminds the Government that it may avail itself of the technical assistance of the Office in relation to this and all the issues raised in this comment.***

Article 2. Adequate protection against acts of interference. For more than a decade, the Committee has been requesting the Government to take the necessary measures to incorporate into the legislation explicit provisions that ensure effective protection against acts of interference by the employer, in accordance with *Article 2* of the Convention. The Committee notes the Government's indication that in order to guarantee freedom of association and prevent acts of interference, SETRASS issued the above-mentioned Agreements No. 342 of 2022 and No. 433 of 2023, adjusting fines to bring them in line with inflation and thus increasing them. While noting these indications, the Committee once again recalls

that in order to ensure that effect is given to *Article 2* of the Convention in practice, the legislation must make express provision for sufficiently dissuasive remedies and sanctions against acts of interference by employers against workers and their organizations, including against measures that are intended to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means with the objective of placing such organizations under the control of employers or employers' organizations. ***The Committee once again requests the Government to take due note of this matter in the Labour Code reform process, and to provide information on the progress achieved in this respect.***

Articles 4 and 6. Promotion of collective bargaining. Right of collective bargaining of public servants not engaged in the administration of the State. For more than a decade, the Committee has been referring to the need to amend sections 534 and 536 of the Labour Code so that the right to collective bargaining of public servants not engaged in the administration of the State is duly recognized in national law. The Committee notes the Government's indication that the sectors involved in the MEPCOIT have not yet reached an agreement on the points to be addressed in the Labour Code reform and encourages the workers and employers to reach an agreement in this regard. The Committee recalls noting that, while collective bargaining is in practice possible in certain public institutions through collective agreements, collective accords, special accords, memorandums of understanding and "respectful statements", sections 534 and 536 of the Labour Code do not allow unions of public employees to submit lists of demands or conclude collective agreements. The Committee notes the Government's indication that, while the above is true, the Constitution of the Republic establishes equal rights, including the right to collective bargaining. The Committee notes these indications and once again recalls that a system in which public employees not engaged in the administration of the State may only submit to the authorities "respectful statements", a mechanism that does not allow for real negotiations to take place with regard to conditions of employment, is not in accordance with the Convention. ***The Committee once again requests the Government to take the necessary measures to amend sections 534 and 536 of the Labour Code so that the right to collective bargaining of public servants not engaged in the administration of the State is duly recognized in national law. It also encourages the Government, and all the parties concerned, to make efforts to ensure that this issue is addressed in the context of the Labour Code reform process and requests to be kept informed in this regard.***

Article 4. Collective bargaining on trade union leave. The Committee noted that section 95(5) of the Labour Code provides that the employer is not obliged to grant more than 2 days of paid trade union leave in each calendar month, and in no case more than 15 days in the same year. The Committee requested the Government to take the necessary steps, in consultation with the representative workers' and employers' organizations, to review the legislation so that restrictions on the possibility of collective bargaining on remuneration for trade union leave be removed. The Committee notes that the Government reiterates that the Labour Code reform process has not begun. The Committee recalls that the payment of wages to full-time union officials should be up to the parties to determine, and the Government should authorize negotiation on the issue of whether trade union activity by full-time union officials should be treated as unpaid leave. ***The Committee once again requests the Government, in consultation with the representative workers' and employers' organizations and in the context of the Labour Code reform process, to take the necessary steps to review the legislation so that restrictions on the possibility of collective bargaining on remuneration for trade union leave be removed.***

Application of the Convention in practice. Export processing zones. ***The Committee regrets that the Government has not provided the requested information and once again requests the Government to provide detailed information on the number of collective agreements concluded in export processing zones and the number of workers covered by them, as well as information on the inspections carried out in export processing zones following complaints of violations of trade union rights.***

Collective bargaining in practice. The Committee encouraged the Government to continue to provide detailed information on collective bargaining in practice and the promotion thereof, especially

in the agri-export and education sectors, in which numerous allegations of violations of freedom of association in practice had been made in previous years. The Committee notes the Government's indication that between 2021 and 2024 a total of 75 collective agreements were signed and that 9 collective agreements were concluded with non-unionized workers. The Committee notes that both the Government and COHEP indicate that applications for the registration of collective agreements have decreased because workers avail themselves of the provisions of section 517 of the Labour Code, which grants them special protection from the State when they notify their employer of their intention to form a trade union. The Committee also notes that the Government reports that two requests for the submission of a preliminary draft list of demands in the agro-export sector were submitted in 2021. ***While noting the various information provided, the Committee again requests the Government to provide detailed information on: (i) the number of collective agreements signed and in force in the country, indicating the sectors concerned and the number of workers covered by them; and (ii) the measures taken, in accordance with Article 4 of the Convention, to promote collective bargaining. Noting that the Government does not report the conclusion of any collective agreements in the agri-export sector, the Committee requests the Government to make specific efforts to promote collective bargaining at all levels (enterprise, sector) in this branch of activity. The Committee requests the Government to provide specific information in this regard.***

Hungary

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1957)

Previous comment

The Committee notes the observations of the workers' group of the National ILO Council (hereafter the workers' group) at its meeting of 13 September 2024, included in the Government's report, which relate to the issues examined by the Committee below, and the Government's comments thereon.

Freedom of expression. In its previous comments, the Committee noted with concern that sections 8 and 9 of the Labour Code (2012) prohibited workers from engaging in any conduct, including the exercise of their right to express an opinion – whether during or outside working time – that may jeopardize the employer's reputation or legitimate economic and organizational interests, and explicitly provided for the possibility to restrict workers' personal rights in this regard. The Committee urged the Government to take all necessary measures, including legislative, to guarantee that the above provisions did not impede the freedom of expression of workers and the exercise of the mandate of trade unions and their leaders to defend the occupational interests of their members. The Committee notes with ***deep regret*** that the Government has not taken any concrete steps to address its previous comments and merely indicates that a debate was held in 2021, and that a publication addressing interpretive questions on trade unions' right to freedom of expression was issued in 2022. The Committee observes, however, that according to the workers' group, the discussion held in 2021 did not amount to a consultation. ***The Committee must therefore once again urge the Government to take all necessary measures, including legislative, in consultation with the social partners, to guarantee that sections 8 and 9 of the Labour Code do not impede the freedom of expression of workers and the exercise of the mandate of trade unions and their leaders to defend the occupational interests of their members. The Committee requests the Government to provide information on concrete steps taken and all progress achieved in this respect.***

Article 2 of the Convention. Registration of trade unions. The Committee ***deeply regrets*** that the Government once again fails to provide its reply to the 2017 allegations of the International Trade Unions Confederation (ITUC) and the workers' group which concern the stringent requirements in

relation to union headquarters, the refusal of registration due to minor flaws, the imposition of the obligation of including the company's name in the official name of associations, and the difficulties created for or encountered by trade unions because of the obligation to bring their by-laws in line with the Civil Code. The Committee recalls once again that, although the formalities of registration allow for official recognition of workers' or employers' organizations, these formalities should not become an obstacle to the exercise of legitimate trade union activities, nor should they allow for undue discretionary power to deny or delay the establishment of such organizations. ***The Committee therefore urges the Government to: (i) engage without delay in consultations with representative organizations of employers and workers to assess the need to further simplify the registration requirements, including those relating to union headquarters; and (ii) take the necessary measures to effectively address the alleged obstacles to registration in practice, so as not to impede the right of workers to establish organizations of their own choosing. The Committee also once again requests the Government to provide information on the number of registered organizations and the number of organizations denied or delayed registration during the reporting period, including details on the grounds for refusal of registration, so as to enable the Committee to better assess the conformity of these grounds with the Convention.***

Article 3. Right of workers' organizations to organize their administration. The Committee requested the Government to provide its comments on the ITUC allegations that trade union activity was severely restricted by the power of national prosecutors to control trade union activities, for instance by reviewing general and ad hoc decisions of unions, conducting inspections directly or through other state bodies, and enjoying free and unlimited access to trade union offices. According to the ITUC, in the exercise of their broad capacities, prosecutors questioned the lawfulness of trade union operations several times, requested numerous documents and ordered additional reports if dissatisfied with the unions' financial reporting, thereby exceeding their legal authority. The Committee ***deeply regrets*** that the Government has not provided its comments on these serious allegations. ***Recalling once again that the acts described by the ITUC would be incompatible with the right of workers' organizations to organize their administration as enshrined in Article 3 of the Convention, the Committee expects the Government to respond to the ITUC allegations and to provide information on the type of inquiries conducted by prosecutors into trade union operations.***

Deduction of union membership fees. The Committee further notes the Government's indication that in 2024, section 1 of Act XXIX of 1991 on The Voluntary Nature of Membership Fees in Workers' Representative Organizations and section 12/A of Act XXXIII of 1992 on The Legal Status of Public Employees were amended to ensure that employers are no longer permitted to deduct union membership fees from employees' wages or transfer these fees to the trade unions. The Committee notes that pursuant to the amended text of section 1 of Act XXIX of 1991, employers are obliged, except where otherwise stipulated by law, to deduct from employees' wages trade union dues upon receiving a written request from the employee and transfer them to the trade union concerned. According to section 12/A of Act XXXIII of 1992, however, notwithstanding Act XXIX of 1991, employers are prohibited from deducting or transferring such dues from the wages of public employees. The Committee notes the indication of the workers' group that the issue of a ban on union membership fees in certain sectors was placed on the agenda of the National ILO Council. The Government indicates that it has held discussions on the issue of union membership fees with the Permanent Consultative Forum of the Competitive Sector, which is the competent forum for tripartite negotiations on general economy and labour related issues. ***Recalling that workers should have the possibility of opting for deductions from their wages under the check-off system to be paid to trade union organizations of their choice, the Committee requests the Government to provide information on the outcome of the discussion on union membership fees within the Permanent Consultative Forum of the Competitive Sector.***

Right of workers' organizations to organize their activities. The Committee had previously highlighted the need to amend the relevant laws (including the Strike Act, the Passenger Transport Services Act and

the Postal Services Act) in order to ensure that workers' organizations concerned may participate in defining a minimum service and that, where no agreement is possible, the matter is referred to a joint or independent body. The Committee notes with ***regret*** that the Government has not provided any information in this regard***. The Committee firmly urges the Government to take all necessary measures to amend without any further delay the Strike Act, as well as the Passenger Transport Services Act and the Postal Services Act as per the Committee's previous comments, and to provide information on all developments in this respect.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1957)

Previous comment

The Committee notes the observations of the Democratic League of Independent Trade Unions (LIGA) included in the Government's report, which relate to issues examined by the Committee below, and the Government's comments thereon. The Committee also recalls that the application of the Convention was examined by the Committee on the Application of Standards of the International Labour Conference (hereinafter the Conference Committee) in June 2022. In its conclusions, the Conference Committee requested the Government to take the necessary measures to address significant gaps in the application of the Convention in law and in practice and to avail itself of the technical assistance of the Office.

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. In its last comment, the Committee noted with satisfaction that the definition of employee representatives in the Labour Code now covers trade union officials, enabling them to request their reinstatement in case of unlawful dismissal. It also noted that for trade union members other than officials, the Labour Code provides, through judicial procedure, for compensation in case of unlawful dismissal and reinstatement in case of dismissal violating the principle of equal treatment (sections 82 and 83(1)(a) of the Labour Code) and that an aggrieved trade union member may demand compensation under section 166(1) of the Labour Code for damage caused by the employer in connection with the employment relationship. Regarding the Committee's request for information on the legal provisions under which anti-union discriminatory acts, other than dismissal, can be remedied and the way these provisions are applied, the Government indicates that: (1) sections 12, 231, 271 and 273 of the Labour Code, and section 2:43(3) of the Civil Code prohibit anti-union discrimination, with such discrimination constituting a violation of personality rights; and (2) section 21(g) of the Equal Treatment Act offers protection against indirect or direct discrimination, with section 12 prescribing that claims should be redressed through actions for the enforcement of personality rights, in which case a grievance award may be claimed under section 2:52 of the Civil Code. The Committee notes in this respect LIGA's allegations that the national legislation lacks sufficiently dissuasive sanctions. The Committee observes in this regard that the provisions referred to by the Government do not establish a minimum amount of compensation in case of their violation and that the Government's information does not refer to specific instances where these provisions were applied to anti-union discrimination cases. In this respect, the Committee notes that it has not received the detailed information requested on the recourse to judicial or quasi-judicial mechanisms applicable in cases of anti-union discrimination. The Committee therefore once again recalls that the existence of legal provisions prohibiting acts of anti-union discrimination is not enough if they are not accompanied by effective and rapid procedures to ensure their application in practice and if the sanctions provided for are not effective and sufficiently dissuasive (see the General Survey of 2012 on the fundamental Conventions, paragraphs 190 and 193). ***The Committee is once again bound to request the Government to: (i) provide comprehensive information on the average duration of both judicial proceedings and proceedings before the Commissioner for Fundamental Rights concerning allegations of acts of anti-union discrimination, together with details on remedies provided, the number of claims rejected and the grounds for any such rejections; and (ii) carry out, in consultation***

with the social partners, a comprehensive examination of the effectiveness of the existing protection mechanisms against anti-union discrimination, including anti-union discriminatory acts other than dismissal. The Committee requests the Government to provide information in this respect.

Article 2. Adequate protection against acts of interference. In its previous comments, the Committee requested the Government to take steps to adopt specific legislative provisions prohibiting acts of interference by the employer and making express provision for rapid appeal procedures, coupled with effective and sufficiently dissuasive sanctions. The Committee notes that the Government indicates that: (1) section 231 of the Labour Code and section 3 of the Act CLXXV of 2011 on the Right of Association implement *Article 2* of the Convention; and (2) reiterates its previous position that all state bodies, including the Constitutional Court and other courts, are obliged to interpret national legislation in a manner that is consistent with the Convention in general and with its *Article 2* in particular. The Committee observes that the provisions cited above recognize freedom of association and trade union rights in general terms without specifically addressing the issue of interference. The Committee recalls that in order to ensure that effect is given to *Article 2* of the Convention in practice, the legislation must make express provision for sufficiently dissuasive remedies and sanctions against acts of interference by employers against workers and their organizations, including against measures that are intended to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means with the objective of placing such organizations under the control of employers or employers' organizations. ***The Committee expects the Government to take the necessary measures, after consultation with social partners, to incorporate into the legislation explicit provisions that ensure effective protection against acts of interference by the employer, in accordance with Article 2 of the Convention.***

Article 4. Promotion of collective bargaining. Representativeness requirements. In its previous comments, having noted that a uniform 10 per cent threshold for the conclusion of collective agreements was established by legislation, the Committee requested the Government to examine the possibility of allowing for the coalition of trade unions at workplaces where no trade union reaches the required representativity threshold. ***Noting the absence of specific information from the Government on the steps taken or envisioned in this regard, the Committee reiterates its previous request.***

Negotiation with works councils. The Committee previously requested the Government, in consultation with the representative social partners, to review section 268(1) of the Labour Code which entitles an employer to conclude a collective agreement with a works council (except on remuneration), when no trade union meets the representativeness threshold for collective bargaining. The Committee notes that, while the Government indicates that there was no initiative from representatives of the employers and workers who are signatories of the Permanent Tripartite Dialogue Agreement (VKF agreement) to review this provision, LIGA alleges a lack of adequate Government response to their observations in this respect. The Committee recalls that *Article 4* of the Convention refers to collective bargaining between employers or employers' organizations on the one hand and workers' organizations on the other hand, and that it considers that, in order to ensure an effective promotion of the negotiating capacities of workers' organizations, negotiations with non-union actors should only be possible in the absence of trade unions at the respective level. ***The Committee therefore once again requests the Government, in consultation with the representative social partners, to review section 268(1) of the Labour Code to remove the possibility of works councils concluding works agreements when there is a union presence in the bargaining unit concerned.***

Collective bargaining at levels higher than the enterprise. The Committee recalls that in its previous comment it noted the position of the workers' group of the ILO National Council (NILOC) according to which: (1) there was a significant decline in the operation of Sectoral Dialogue Committees, partially due to the decrease in governmental support to their operation; and (2) recent amendments to provisions on the extension of collective agreements further complicated and increased the bureaucracy of the option of extension. The Committee also noted the existence of three extended sectoral collective

agreements in the country (construction, tourism and hospitality, and the electricity industry). The Committee notes the Government's indication that: (1) section 17(2) of Act LXXIV of 2009 on Sectoral Dialogue Committees was amended so that the conditions for the extension of collective agreements are the same for collective agreements concluded within or outside a Sectoral Dialogue Committee; and (2) an examination is under way to identify the manner in which the regulation of the Act on Sectoral Dialogue Committees can effectively promote the right to conclude collective agreements, with a comparative legal study being prepared by a research institute that will analyse model regulations for a possible revision of the legislation. The Committee finally notes that the Government has not replied to its previous request for statistical information on the number, nature, and scope of collective agreements in force. ***Recalling that, under the terms of Article 4 of the Convention, collective bargaining should be possible and promoted at all levels, the Committee requests the Government to: (i) take the necessary measures, in consultation with the social partners, for the effective promotion of collective bargaining at all levels, including at levels higher than the enterprise level and to provide information on any progress in this respect; (ii) provide information on any developments with regard to the ongoing examination of the extension mechanism for collective agreements; and (iii) provide up to date statistical information on the number of collective agreements signed, the sectors concerned and the share of the workforce covered by collective agreements and, also, to provide the same statistics, where available, for works agreements.***

Material scope of collective bargaining in publicly-owned entities. In its previous comments, both under this Convention and the Collective Bargaining Convention, 1981 (No. 154), the Committee requested the Government to initiate discussions with the social partners to revise the restrictions imposed on the material scope of collective bargaining in publicly-owned entities. The Committee notes that the Government reiterates the information it had previously provided, that sections 204–208 of the Labour Code set out cogent and mandatory rules on employment at publicly-owned entities which cannot be derogated by an individual or a collective agreement (section 213(f) of the Labour Code). The Government also reiterates that such rules are necessitated by the special "legal status" and economic role of the employer in publicly-owned entities to ensure efficient management and prevent abuse of State assets, further adding that the rules prevent abuse and improve public perception regarding companies in public ownership. The Committee once again recalls that workers of state-owned commercial or industrial enterprises are fully covered by the Convention. While the special characteristics of the public service may allow for some flexibility, legislative measures taken unilaterally by the authorities to restrict the scope of negotiable issues are often incompatible with the Convention, and tripartite discussions are a particularly appropriate method of resolving these difficulties. While taking note of the justification reiterated by the Government, the Committee, also recalling the Conference Committee's conclusions in this respect, reiterates that it considers that the exclusions prescribed by sections 205–206 of the Labour Code on collective bargaining at publicly-owned entities go beyond the restrictions that are compatible with the Convention. ***The Committee therefore once again requests the Government to take all the necessary steps, in consultation with the social partners, to revise the restrictions on the material scope of collective bargaining in publicly-owned entities, and to ensure that the above-mentioned provisions of the Labour Code do not impede the rights to collective bargaining guaranteed under the Convention.***

The Committee recalls that the Conference Committee requested the Government to avail itself of the Office's technical assistance and that the Government informed it of initial contacts in this regard. The Committee invites the Government to avail itself of the Office's technical assistance in order to fully implement, in law and in practice, the various provisions of the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

Indonesia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1998)

Previous comment

In its previous comments, the Committee requested the Government to provide its comments on the allegations of the International Trade Union Confederation (ITUC) that Act No. 11 of 2020 restricts the right to strike as it grants police officers significant discretion to imprison or fine trade union members for participating in or inviting others to participate in lawful strike action, and to provide information on the revision of this law and its regulations. The Committee notes the Government's response that Act No. 11 of 2020, or the Omnibus Act on Job Creation (Omnibus Act), was amended by Act No. 6 of 2023, and that it does not include the regulation of strikes. The Committee further notes the Government's indication that strikes and trade union demonstrations are regulated by Act No. 13 of 2003 on Manpower, Act No. 9 of 1998 on the freedom of public expression of opinion and Regulation No. 1 of 2005 of the Chief of the Indonesian National Police concerning guidelines on the conduct of the Indonesian National Police in handling law and order in industrial disputes, which the Committee examines below.

Trade union rights and civil liberties. The Committee noted with concern the ITUC allegation of acts of police violence (including the use of water cannons and teargas resulting in the injury of 32 members of the Federation of Indonesia Metalworkers in Bekasi) and arrests made (of 183 workers in South Sumatra, 200 workers in Jakarta and a further 10 workers for striking outside working hours) in connection with a strike action by more than a million workers against the Omnibus Act. Recalling that in cases of strikes, the authorities should only resort to the use of force in exceptional circumstances and in situations of gravity where there is a serious threat of public disorder, and that such use of force must be proportionate to the circumstances, the Committee urged the Government to indicate all steps taken or envisaged to ensure the application of that principle, including by the introduction of concerted measures to ensure the effective implementation of a code of conduct for workers' demonstrations and industrial action. The Committee notes the Government's indications with regard to the outcomes of the tripartite discussions on a Code of Ethics on workers' demonstrations and industrial action, at a meeting of the National Tripartite Cooperation Body (LKS) held on 19 April 2024. The Government indicates in particular that the LKS, in cooperation with a Ministry of Manpower (MM) task force, will be responsible for monitoring the implementation of the right to strike. ***The Committee requests the Government to provide any relevant information with regard to the work of the LKS and MM task force, including in particular the number and nature of cases examined, the development of criteria for assessing possible threats of public disorder, and any measure implemented by the above-mentioned entities in the performance of their mandate.***

In its previous comments, the Committee noted that the Penal Code was under revision and requested the Government to ensure that the revision excluded lawful trade union activities from the scope of sections 160 and 335 of the Code. The Committee notes that the revision of the Penal Code was concluded with the adoption of Act No. 1 of 2023 on the Penal Code (Act No. 1). The Committee also notes with ***interest*** the Government's indication to the effect that the reference to "unpleasant acts", under former section 335 of the Penal Code, was declared invalid by the Constitutional Court in 2013 (No. 1/PUU-XI/2013) and was no longer valid prior to its removal from the Penal Code in 2023. The Committee also notes that section 160 was replaced by section 246 of the Penal Code following the adoption of Act No. 1 and observes that this new provision establishes penalties for "incitement to commit crimes" or "violent opposition against the public authorities", without it being possible to determine the specific scope of the latter violation. Lastly, the Committee notes that section 7 of Regulation No. 1 provides that police officers, when they consider that a strike or trade union

demonstration represents a real threat to public security, must take the necessary measures, in a firm and measurable manner in accordance with existing laws and regulations. ***Recalling that no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike, the Committee trusts that the revised Penal Code, and more specifically section 246 of the Code, does not penalize peaceful trade union activities and requests the Government to provide all relevant information in this regard.***

Article 2 of the Convention. Right to organize of civil servants. In its previous comments, the Committee requested the Government to take the necessary measures to ensure the right of civil servants to form and join organizations of their own choosing, in accordance with the Convention, and to provide information on all steps taken to that end. The Committee notes the Government's recognition that the current structure of the Corps of Indonesian Civil Servants (KORPRI), a professional forum of which civil servants automatically become members upon entering into duty, does not allow it to be considered an organization within the meaning of *Article 2* of the Convention or to offer civil servants a right of association equivalent to private sector organizations. The Committee also notes the Government's indication to the effect that, although KORPRI represents civil servants while performing their duties, their membership of this association does not prevent them from joining other professional entities and associations. The Government further indicates that it is drafting regulations to improve civil servant rights. In conclusion, the Committee notes the Government's wish, with technical assistance from the Office, to take the necessary measures to transform KORPRI into a democratic and independent organization that meets the requirements of the Convention, including by making changes to the applicable regulatory framework. ***The Committee welcomes this plan, invites the Government to avail itself of the technical assistance of the Office and requests it to provide any relevant information on the draft regulatory amendments announced***.

Article 3. Right of workers' organizations to organize their activities. In its previous comments, the Committee invited the Government to discuss the impact of Presidential Decree No. 63/2004 on vital national interests, and of Ministry of Industry Decree No. 466/2014, which enables enterprises or industrial zones to request assistance from the police and military in the event of disruption or threat to vital national interests in their jurisdiction. Having noted with regret, in its previous comment, that the application of the decrees indicated above had not yet been discussed with the social partners, despite the assertions of the Confederation of Indonesian Trade Unions (KSPI) and the Confederation of Indonesian Prosperity Trade Union (KSBSI) that these decrees serve to suppress the exercise of freedom of association, the Committee urged the Government to take all necessary steps to ensure that such a discussion take place without delay. The Committee notes the information provided by the Government concerning the objectives of these decrees, but notes with ***concern*** that the announced discussion with the social partners has not yet taken place. ***Noting the Government's announcement that the 2025 agenda of the LKS includes discussions on vital national interests and industrial action, the Committee urges the Government to take all necessary measures to ensure that this meeting takes place and requests it to provide information on the outcome of the discussions.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1957)

Previous comment

The Committee notes the observations received on 17 September 2024 from the International Trade Union Confederation (ITUC), addressing issues dealt with by the Committee in this comment.

The Job Creation Law. In its previous comments, the Committee noted the 2023 conclusions of the Committee on the Application of Standards of the International Labour Conference (hereinafter the Conference Committee) requesting the Government to adopt without delay the amendments necessary to bring the Job Creation Law into compliance with the Convention, as well as the allegations made by

the Confederation of Indonesian Trade Unions (KSPI), the Confederation of All Indonesian Workers' Union (KSPSI) and the Indonesian Trade Union Prosperity (KSBSI) and the ITUC concerning the increased vulnerability of workers to anti-union discrimination and the undermining of the use of collective bargaining as a result of the Job Creation Law. The Committee notes that in its 2024 observations, the ITUC alleges that the Job Creation Law is having a disastrous impact on freedom of association and collective bargaining and that, in particular, workers are more vulnerable to dismissals and non-renewal of contracts when they attempt to join or form a union. The Committee also notes the concluding observations of the Committee on Economic, Social and Cultural rights (CESCR) issued on 14 March 2024 concerning the implementation by Indonesia of the International Covenant on Economic, Social and Cultural Rights. The Committee notes that the CESCR, after expressing its concern that the Job Creation Law negatively affects workers' rights, recommended that the Government review and amend it, in order to, inter alia, ensure the meaningful participation of trade unions in sectoral minimum wage decisions and regulate the use of temporary contracts.

The Committee notes that the Government limits itself to: (1) referring once again, to the adoption of Government Regulation No. 51 of 2023 concerning wages and to the consultation process that preceded it; and (2) expressing its readiness to benefit from ILO technical assistance in order to strengthen capacities concerning tripartite consultation.

Finally, the Committee notes Decision No. 168/PUU-XXI/2023 of the Constitutional Court dated 31 October 2024, which partially invalidates certain provisions of the Job Creation Law and requires the adoption of a new law within two years. In the context of the Convention, the Committee observes that the Court's decision addresses, inter alia, the need to give a greater role to wage councils in setting minimum wages, particularly at the sectoral and regional levels, and that it emphasizes the role of collective bargaining with trade unions in improving wages and working conditions. ***Recalling the Conference Committee conclusions requesting the Government to adopt without delay the amendments necessary to bring the Law on Job Creation into compliance with the Convention, the Committee expects that the Government, in full consultation with the representative social partners, will take the opportunity of the revision of the Job Creation Law required by the Constitutional Court to ensure that the content of the revised Law and its implementing regulations contributes effectively to the protection against anti-union discrimination and the promotion of collective bargaining in accordance with the Convention. The Committee requests the Government to provide any information in this regard. In line with the conclusions of the Conference Committee, the Committee hopes that the Government will avail itself of the Office's technical assistance.***

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. In its previous comment, on the basis of the very low number of complaints of anti-union discrimination reported by the Government and the conclusions of the Conference Committee highlighting, in particular, the existence of significant gaps in law and practice with regard to protection against anti-union discrimination, the Committee requested the Government to review the existing system of protection against acts of anti-union discrimination, in order to ensure that full protection is provided against anti-union discrimination, including rapid remedies likely to impose sufficiently dissuasive sanctions against such acts. The Committee notes with ***regret*** that the Government has not provided information in this regard**.** It also notes the ITUC's observations alleging the greater vulnerability of workers to anti-union breaches of employment contracts in the context of the implementation of the Job Creation Law. ***On the basis of the above, the Committee requests the Government, after consulting the representative social partners, to take the necessary measures, including of a legislative nature, to: (i) establish rapid and effective remedies and mechanisms for imposing dissuasive sanctions against acts of anti-union discrimination; and (ii) in particular prevent and sanction acts of anti-union discrimination, including discriminatory non-renewal of contracts, which may affect workers on fixed-term contracts***. ***The Committee further encourages the Government to avail itself of the Office's technical assistance in respect of this matter and to report on the progress achieved.***

Article 2. Adequate protection against acts of interference. The Committee recalls once again its long-standing comments on the need to amend section 122 of the Manpower Act to prohibit the presence of the employer during a voting procedure to determine which trade union in an enterprise will have the right to represent workers in collective bargaining. The Committee notes with ***regret*** that once again, the Government essentially repeats the information previously provided, including that the employer and the Government are only present at the vote as witnesses and that their presence does not affect the vote. ***Emphasizing once again the need to ensure adequate protection against acts of interference in practice, the Committee reiterates its expectation that the Government will amend section 122 of the Manpower Act to prohibit the presence of the employer during the voting procedure and to provide information on developments in this regard.***

Article 4. Promotion of collective bargaining. In its previous comments, the Committee urged the Government to take measures to amend sections 5, 14 and 24 of the Labour Disputes Settlement Act to ensure that unilateral recourse to compulsory arbitration or a court to settle a collective bargaining process may only take place: (1) in essential services in the strict sense of the term; (2) in the case of disputes in the public service involving public servants engaged in the administration of the State; (3) when, after protracted and fruitless negotiations, it becomes obvious that the deadlock will not be broken without some initiative by the authorities; and (4) in the event of an acute crisis. The Committee notes the Government's indication that, in 2023, mediation successfully resolved 8,236 of 10,297 industrial relations disputes (or 79.9 per cent) and, between January and March 2024, 598 out of 1,009 of those disputes (or 59.2 per cent). While taking due note of this information, the Committee notes with ***regret*** the Government's indication of its intention to ensure that the current procedures for recourse to compulsory arbitration are maintained for all labour disputes. ***The Committee recalls once again that arbitration imposed by the authorities at the request of only one of the parties is, in general, contrary to the principles of collective bargaining and that the possibility for a single party to collective bargaining to submit the settlement of a labour dispute to the decision of a court has the same restrictive effects on the principle of collective bargaining as compulsory arbitration mechanisms. Consequently, the Committee once again reiterates its expectation that the Government will take steps to amend sections 5, 14 and 24 of the Labour Disputes Settlement Act to ensure that unilateral recourse to compulsory arbitration or a court to settle a collective bargaining process may only take place in the above-mentioned situations. The Committee requests the Government to provide information on any progress made in this regard.***

Recognition of a trade union as a collective bargaining partner. Collective bargaining in practice. The Committee notes the ITUC's comment on the excessively restrictive nature of the 50 per cent representativeness threshold required by the legislation in order to enter into negotiations. The Committee recalls that in previous comments it had noted, on the basis of the legislation (section 119 of the Manpower Act) and the Government's indications, that: (1) trade unions that do not reach the required percentage of affiliates but that receive more than 50 per cent support in a vote of all the workers in the enterprise may enter into negotiations; (2) trade unions may form a coalition to reach the above-mentioned thresholds. The Committee further notes the Government's indication that in March 2024 there were a total of 15,940 collective agreements throughout the country covering 3,901,644 workers. ***Noting that the total number of collective agreements appears to have fallen significantly since the Government's last report, from 18,144 to 15,940, the Committee requests the Government to indicate the possible reasons for this decrease. Recalling that the representativeness thresholds required to initiate collective bargaining must not be such as to hinder the promotion of collective bargaining, the Committee also requests the Government to initiate consultations with the social partners with a view to revising section 119 of the Manpower Act and making the conditions of access to collective bargaining more flexible. The Committee requests the Government to provide information on any progress made in this regard. Finally, the Committee requests the Government to***

continue to provide statistics on the number of collective agreements in force, specifying the sectors of activity concerned and the number of workers covered.

Collective bargaining at the sectoral level. In its previous comments, the Committee requested the Government to take the necessary measures to promote collective bargaining at all levels, including at the sectoral and regional levels. The Committee notes that the Government : (1) states that sectoral collective agreements present a challenge due to the varying capacities of these companies and their workforce sizes; (2) emphasizes the importance of collective bargaining at the company level, considering the differences in capacities and business scales; and (3) welcomes the collaborative offer from the ILO to explore initiatives that promote the development of collective bargaining tailored to Indonesia's specific conditions. While taking due note of these considerations, the Committee recalls that, according to the Convention, collective bargaining should be possible at all levels and that in practice the issue is essentially a matter for the parties, who are in the best position to decide the most appropriate bargaining level including, if they so wish, by adopting a mixed system of framework agreements supplemented by local or enterprise level agreements (see the General Survey of 2012 on the fundamental Conventions, paragraph 222). ***The Committee therefore trusts that the Government will take the necessary steps to promote collective bargaining at all levels, including at the sectoral and regional levels and hopes that it will seek the technical assistance of the Office in this respect. The Committee requests the Government to provide any relevant information.***

Export processing zones (EPZs). The Committee notes the Government's indication that, in 2022, there were 435 active collective agreements and 188 trade unions representing workers in EPZs but does not indicate the number of workers covered by the applicable agreements. ***The Committee therefore requests the Government to continue providing information on the number of collective agreements in force in EPZs, indicating the number of workers covered, as well as information, including statistical data, on any trends observed in the coverage of collective agreements concluded in these zones.***

The Committee also requested the Government to provide information on the tripartite consultations on a denial of the rights guaranteed by the Convention to workers in EPZs alleged by the ITUC, KSBSI and KSPI. The Committee notes the Government's reference to Regulations No. 12 of 2020 and No. 40 of 2021, establishing two dedicated tripartite bodies: (1) for consultations on wages and (2) for communication, consultation and deliberation on labour relations issues within EPZs. The Committee notes however once again the absence of information on specific consultations on the alleged denial of the rights recognized by the Convention to workers in EPZs. ***The Committee therefore once again requests the Government to provide information on the holding of such tripartite consultations and on any relevant outcome.***

The Committee expects that the Government will take all necessary measures to address the various points raised in this comment and that it will fully seek the technical assistance of the Office, as requested by the Conference Committee.

Iraq

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2018)

Previous comment

The Committee recalls that following its June 2022 discussion concerning the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) by Iraq, the Conference Committee on the Application of Standards invited the Government to accept a direct contacts mission, which took place in May 2023. The direct contacts mission, noting the firm commitment of the Government to bring national law and practice into conformity with Conventions Nos 87 and 98,

identified two priorities: (i) the swift adoption of new legislation ensuring compliance with these Conventions to replace Law No. 52 of 1987 on Trade Unions; and (ii) active and constructive engagement between the Government and the social partners, with a view to ensuring that pending the entry into force of the new law, all trade unions and their leaders can exercise the rights enshrined in the Conventions without fear or constraint. The Committee recalls that the direct contacts mission, in view of the realization of these two priorities, proposed a road map involving the active support of the Office and providing for, inter alia: (i) the establishment of a tripartite technical committee for the elaboration of the new Draft Law on Trade Unions; and (ii) the strengthening of the "Coordination Council", which is tasked with consultation and resolution of conflicts and problems affecting trade union action. The Committee notes in this respect that while it examined in its previous comment a draft Trade Union Act prepared by the Ministry of Labour and Social Affairs (the Ministry), a new draft prepared by the Labour Committee of the Chamber of Representatives has since then been circulated among the various stakeholders involved in the reform and gave rise to technical comments from the Office in August 2024. The Committee further notes that a delegation, whose composition included representatives of three trade union federations, attended a workshop in Geneva in September 2024 to discuss the new draft and the corresponding technical comments of the Office. In this respect, the Committee takes note of the Government's indications that the observations resulting from the workshop will be submitted to the House of Representatives and discussed with all the parties concerned with a view toward the enactment of the Act and the repeal of Law No. 52 of 1987 on Trade Unions. The Committee welcomes the continued collaboration of the Government and the House of Representatives with the Office. ***The Committee expects that this will lead to the adoption, in the near future, of a law on trade unions which will take full account of the Committee's comments, including its request to ensure that the new legislation fully recognizes the trade union rights of public servants and trade union pluralism, as well as reflecting the Office's technical guidance in order to ensure that the law recognizes trade union rights of foreign workers; does not restrict the right to form trade unions to certain professions (the only possible exception being the armed forces and the police); ensures that the minimum membership requirement for establishment of trade unions is set at a reasonable level; recognizes the right of workers to set up independent organizations at all levels; and respects the autonomous functioning of these organizations. The Committee expects that these points will be duly taken into account in the reform of the legislation so as to ensure its conformity with the Convention and requests the Government to provide a copy of the law once adopted.***

Prosecution of union leaders for collection of union dues. The Committee previously noted the observations of the Federation of Iraq Trade Unions (FITU), alleging that the president of the General Federation of Iraqi Workers (GFIW), the monopolistic confederation under the 1987 law, had filed several complaints against the leaders and representatives of six independent federations, including the FITU, before the Court of Inquiry of the Federal Commission of Integrity ("Nazaha"). The FITU alleged that six trade union leaders were summoned to the Court in relation to their legitimate trade union activity and were accused of illegal raising of funds; were subjected to investigation and finally released on bail pending trial. The FITU alleged that these proceedings constituted a serious threat to the union leaders, putting them at risk of long prison sentences and fines. Furthermore, the Court may order the closure of the federations. The Committee noted that the complaint against the six union leaders concerned the collection of union dues by the federations. Welcoming the functioning of the "Coordination Council" that can address practical difficulties arising from the exercise of trade union rights, including inter-union disputes, the Committee firmly expected that no trade union member or leader would be subject to arrest, detention or criminal prosecution for their legitimate trade union activities and requested the Government to provide information on the outcome of the proceedings concerning the six union leaders referred to in the observation of the FITU. The Committee notes that the Government does not provide information concerning the proceedings but points out that it maintains an impartial stance towards all union organizations. The Committee further notes the

Government's indication that it will take the required action under the new Trade Unions Act when the new draft is enacted. ***The Committee must therefore reiterate its request and expects the Government to provide detailed information on the outcome of the proceedings concerning the six union leaders referred to in the observations of the FITU.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1962)

Previous comment

The Committee recalls that following its June 2022 discussion on the application of the Convention in Iraq, the Committee on the Application of Standards of the International Labour Conference (hereinafter the Conference Committee) invited the Government to accept a direct contacts mission. The Committee notes that the mission took place in May 2023 and that, after noting the Government's firm commitment to bring national law and practice into conformity with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), it identified two priorities: (i) the swift adoption of new legislation ensuring compliance with this Convention and Convention No. 87 to replace Act No. 52 of 1987 on trade union organization; and (ii) active and constructive engagement between the Government and the social partners, with a view to ensuring that pending the entry into force of the new law, all trade unions and their leaders are able to exercise the rights enshrined in the Conventions without fear or constraint. The Committee notes that the direct contacts mission, with a view to ensuring the achievement of these priorities, proposed a road map involving the active support of the Office and including provision for the establishment of a tripartite technical committee for the development of the new draft law on trade unions. In this regard, the Committee notes that: (i) while in its previous comment it examined a draft law on trade unions prepared by the Ministry of Labour and Social Affairs, a new draft law developed by the Labour Committee of the Chamber of Representatives was now focusing the attention of the various partners involved in the reform and gave rise to a technical opinion from the Office in August 2024; and (ii) a delegation, the composition of which reflected the recommendations made in the direct contacts mission road map (involving, in particular, the three main components of the country's trade union movement) went to ILO headquarters in Geneva in September 2024 to discuss this draft law and the corresponding opinions of the Office. ***The Committee welcomes the continued collaboration of the Government and the Chamber of Representatives with the Office. The Committee hopes that this will result in the adoption in the near future of a law on trade unions that will take fully into account its comments as well as the Office technical guidance in order to ensure the compliance of the national legislation with Conventions Nos 87 and 98.***

Civil liberties. The Committee, having recalled the interdependence between trade union rights and civil liberties, requested the Government to take all measures necessary to ensure that trade unions, their leaders and members are able to exercise their rights under the Convention with full respect for their civil liberties. The Committee refers in this regard to its comments under Convention No. 87.

Trade union monopoly. Recalling that the possibility for workers of choosing the trade union which represents them is an important element of the principle of free and voluntary collective bargaining, the Committee expressed the hope that any remaining obstacle to the possibility of trade union pluralism would soon be removed from the legislation. The Committee also refers in this regard to its comments under Convention No. 87.

Scope of the Convention. Public sector. In its previous comments, the Committee requested the Government to ensure that all public servants not engaged in the administration of the State benefit from the rights enshrined in the Convention and to specify the legislative texts in which such rights are recognized. The Committee also requested the Government to clarify whether Revolutionary Council Resolution No. 150 of 1987 (which, according to the International Trade Union Confederation (ITUC),

prohibits the establishment of public sector trade unions) remained in force, and, if so, to ensure that the content thereof was in line with the requirements of the Convention. The Committee notes the Government's indication that: (i) resolution No. 150 of 1987 remains in force; and (ii) the issue of the enjoyment of the rights contained in the Convention for the public servants in question will be discussed in the context of the preparation of the draft law on trade unions. ***While recalling that Convention No. 87 covers all public servants, regardless of whether they are engaged in the administration of the State, the Committee emphasizes the importance of taking the necessary measures to ensure that, in law and in practice, all public servants not engaged in the administration of the State are accorded the rights enshrined in the present Convention, which also have regard to the right to collective bargaining. The Committee requests the Government to provide information on the measures taken in this respect.***

Articles 1, 2, 4 and 6 of the Convention. Legislative reform. In its previous comment, the Committee noted the content of the draft law on trade unions developed by the Ministry of Labour and Social Affairs and welcomed, in particular, the aspects relating to: (i) the guarantee of the right to establish and join trade union organizations, without any kind of discrimination; (ii) the extension of the right to organize to all sectors, subject to the provisions of section 3(2)(1) of the draft law; and (iii) the penalties applicable in the event of anti-union dismissal (including reinstatement) and the specific prohibition of acts of interference, for which there is no provision in the 2015 Labour Code.

At the same time, the Committee emphasized that it was important for the future legislation to: (i) remove any remaining obstacle to the possibility of trade union pluralism from the legislation; (ii) recognize the rights enshrined in the Convention for all workers in the private and public sectors covered by the Convention (while recalling as indicated above that Convention No. 87 also covers public servants engaged in the administration of the State); (iii) expressly prohibit all types of discriminatory measures based on trade union membership or trade union activities, at all stages of the contractual relationship (including hiring), as well as effectively impose sufficiently dissuasive penalties; (iv) make provision for swift and effective remedies concerning acts of interference; (v) create a legal framework, including through the establishment of quantitative and qualitative criteria for representativeness, that allows the free and voluntary exercise of the right to collective bargaining and the promotion thereof, since although Chapter 15 of the Labour Code is on collective bargaining, no collective agreements have yet been concluded in the country.

With respect to all these various points, the Committee notes the Government's indication that the observations from the seminar on the draft law on trade unions, held in Geneva in September 2024, will be communicated to the Chamber of Representatives and discussed, with all parties concerned, with a view to the adoption of the law. The Committee also notes the Government's indication that the new draft law provides for the repeal of Act No. 52 of 1987 on trade union organization. ***While also referring to its comments under Convention No. 87, the Committee trusts that these various points will be fully taken into account in the current legislative reform process and requests the Government to provide information in this regard.***

Promotion of collective bargaining. The Committee notes the Government's request for technical assistance from the Office with regard to the organization of a seminar on collective bargaining. ***Having noted in its previous comment the complete absence of collective agreements in force in the country, the Committee strongly encourages the Government to carry out, with the technical assistance of the Office, awareness-raising and promotional activities on collective bargaining in the private and public sectors covered by the Convention, with all relevant stakeholders. The Committee requests the Government to provide information in this regard.***

Italy

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1958)

Previous comment

The Committee takes note of the observations of the Italian General Confederation of Labour (CGIL) and the Italian Labour Union (UIL), received on 18 July 2024, which allege a series of violations of the Convention with respect to the right to strike, the recognition of the representative trade unions and their participation in social dialogue, as well as acts of violence against trade union premises. The Committee notes that the CGIL and the UIL specifically allege: (i) the interference of the Deputy Prime Minister and Minister of Infrastructure and Transport (MIT), who reduced the duration of a strike in the transport sector in November 2023 from 8 to 4 hours, disregarding the role of the Strike Regulatory Authority by issuing a unilateral order to resume work, which is being appealed before the courts; (ii) changes to the rules governing representation on the National Economic Council (CNEL) for the period 2023–28, arbitrarily withdrawing one seat from the CGIL, the UIL and the Italian Trade Union Confederation (CISL), while increasing the presence of other non-representative trade union organizations that do not meet the required conditions, which has also given rise to legal action; (iii) the gradual deterioration of social dialogue with the Government, characterized by the exclusion of representative trade union organizations from the decision-making process in economic, social and labour matters, and (iv) numerous acts of vandalism against trade union premises between October 2021 and April 2023, in 13 regions and 40 cities.

With respect to the allegation concerning the reduction of the duration of the strike in the transport sector in November 2023, the Committee notes the Government's indication that: (i) there was no violation of the right to strike by the order in question. The strike proclaimed by the CGIL and the UIL as a "general" strike was, on the contrary, considered by the competent administrative authority as a multi-sectoral strike and, therefore, subject to individual sectoral regulations; (ii) in these circumstances, the MIT's political authority assessed the situation in view of the excessive duration of the strike examined in the transport sectors (24 hours according to the Government) and the imminence of the date on which the strike was due to be called; and (iii) the MIT limited itself to exercising the power of intervention conferred by law No. 146/90, in order to protect the right to free movement. Concerning the rules governing representation on the National Economic Council (CNEL) for the period 2023–28, the Committee notes the Government's indication that it intended to renew the Council in such a way as to expand, in a balanced and transparent manner, the number of workers' and employers' organizations, without penalising the most representative organizations, with the sole aim of making social dialogue broader and more effective. ***Observing that the trade-union organizations concerned referred the two issues mentioned above to the administrative courts (reduction of strike duration by MIT and representation at the CNEL), the Committee requests the Government to provide information in this regard and to communicate the relevant Court decisions as soon as they have been adopted.***

Regarding the allegations on the lack of involvement of the social partners in the process of adoption by the Government of a number of decree-laws in 2023 and 2024, the Committee notes the Government's indication that the decree-law is a legislative measure approved by the Government in cases of particular necessity and urgency, the timing of which often does not allow for prior discussion with the social partners. However, each decree-law must be converted into law by the Parliament within 60 days to confirm its legal effects. Therefore, during the process of examining and finally approving the decree-law, Parliamentary committees may consult the social partners through special hearings to obtain opinions and proposals on the various aspects falling within their remit. ***Stressing the importance of social dialogue in the process of adopting labour, social and economic legislation and public policies, the Committee invites the Government to ensure that regular consultations take place with***

representative employers' and workers' organizations and to provide information on all measures taken in this respect. Finally, the Committee requests the Government to address the CGIL and the UIL allegations of acts of violence against trade union premises.

The Committee further notes the concerns surrounding the introduction of the new Internal Security Bill *(DDL Sicurezza)* approved by the Chamber of Deputies in September 2024 and currently before the Senate, regarding its consequences for the legitimate exercise of trade union activity in the country, in that as currently drafted, it may affect the free exercise of peaceful demonstrations. The Committee observes in particular that article 14 of the bill provides for penalties ranging from six months to two years' imprisonment for demonstrators who, collectively, block roads or railways with their bodies. ***Emphasizing the fundamental importance of civil liberties for the exercise of trade union rights, and recalling that the peaceful exercise of these rights should not lead to arrest or imprisonment, the Committee requests the Government to provide information on any developments in this regard and to ensure, in consultation with the social partners, that the legislation does not contravene the guarantees established by the Convention.***

[The Government is asked to reply in full to the present comments in 2025.]

Jamaica

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1962)

Previous comment

Article 2 of the Convention. Right of workers to establish and join organizations. For many years, the Committee has been requesting the Government to amend section 6(4) of the Trade Union Act (TUA) with a view to ensuring that penalties are not imposed on workers for their membership and participation in activities of an unregistered trade union. The Committee notes the Government's indication that it has noted the Committee's request and will keep it updated on progress made in this regard. ***Regretting the continuing lack of progress, the Committee once again urges the Government to take the necessary measures without further delay, in consultation with the social partners, to amend section 6(4) of the TUA and to provide information on all developments in this regard.***

Article 3. Interference in the financial administration of a trade union. The Committee had previously requested the Government to take the necessary measures to restrict the Registrar's discretionary rights to carry out inspections and to request information with regard to trade union finances at any time as provided in section 16(2) of the TUA. The Committee notes the Government's indication that the Ministry will be undertaking a review of the TUA to identify and deal with the gaps as soon as possible. ***The Committee notes with regret the lack of progress in amending the legislation and once again urges the Government to take necessary measures to that end. The Committee requests the Government to provide information on all developments in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1962)

Previous comment

Article 4 of the Convention. Promotion of collective bargaining. Recognition of organizations for the purposes of collective bargaining. For several years, the Committee has requested the Government to amend section 5(5) of the Labour Relations and Industrial Disputes Act (LRIDA) and section 3(1) of its regulations with a view to ensuring that the threshold required for entering into collective bargaining does not constitute an obstacle to the promotion of free and voluntary collective bargaining. The

Committee notes the Government's indication that a consultant has been engaged to review the LRIDA in the 2024–25 fiscal year and that both the threshold required for entering into collective bargaining and the limitations on collective bargaining denounced by the International Trade Union Confederation (ITUC) in 2015 will be taken into consideration. ***Highlighting the long-standing nature of its request, the Committee firmly expects that the Government will take without further delay the necessary measures, to amend, in consultation with the representative social partners, its legislation in order to: (i) ensure that if no union reaches the required threshold to be recognized as a bargaining agent, unions are given the possibility to negotiate, jointly or separately, at least on behalf of their own members; (ii) recognize the right of any organization which in a previous ballot failed to secure a sufficiently large number of votes to request a new election after a stipulated period; and (iii) recognize the right of any new organization other than the previously certified organization to demand a new ballot after a reasonable period has elapsed. The Committee requests the Government to provide information on the developments in this regard.***

Promotion of collective bargaining in the public sector. The Committee previously noted the observations of the Jamaica Confederation of Trade Unions (JCTU) transmitted with the Government's report in 2021, which alleged that the adoption of negotiation protocols modified the modalities of collective bargaining by allegedly precluding direct interactions between workers' representatives and decision-makers in the public sector. The Committee notes the Government's indication that: (i) the negotiation protocols in the public sector, established to create a more structured and transparent bargaining process, have no new implications; (ii) in 2015, a policy was introduced to guide government entities, fostering positive relations between management and employees, trust and good faith negotiations; (iii) In 2017, a Public Sector Negotiation Framework was established. This framework facilitates the completion of negotiations and provides mechanisms for resolving impasses. Consequently, the Government asserts that the JCTU's allegation that direct interaction with decision-makers is the normal process suggests a misleading of the facts. ***The Committee requests the Government to provide a copy of the mentioned negotiation protocols and policy. The Committee further requests the Government to provide information on the number of collective agreements concluded in this sector and the number of workers covered.***

Application of the Convention in practice. The Committee notes the Government's indication that: (i) there are currently 17 collective agreements in force in several industries, including transportation, financial services, aviation and manufacturing; (ii) it lacks data on the existence of Joint Industrial Councils; (iii) however, the National Minimum Wage Advisory Commission provides recommendations on minimum wage across industries; and (iv) the Industrial Relations Department supports unions and organizations in conducting Representational Rights Polls by managing claims, coordinating dates, presiding over the polls and overseeing the final ballot count. ***On the basis of these elements, the Committee requests the Government to take the necessary measures to effectively promote collective bargaining at all levels, including at the multi-employer level and sectoral level. The Committee requests the Government to continue to provide detailed information on the number of collective agreements concluded and in force, the sectors concerned, specifying the number of workers covered.***

The Committee reminds the Government of the possibility to avail itself of the technical assistance of the Office.

Japan

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1965)

Previous comment

The Committee notes the following observations concerning matters addressed in this comment, as well as the Government's replies thereto: the observations of the Japanese Trade Union Confederation (JTUC-RENGO) and of the Japan Business Federation (Nippon Keidanren), transmitted with the Government's report; the observations of the Rentai Union Suginami, the Rentai Workers' Union, Itabashi-ku Section, the Apaken Kobe (Casual/Temporary/Part-time Non-regular Workers' Union) and the Union Rakuda (Kyoto Municipality Related Workers' Independent Union), received on 1 September 2024. The Committee notes the observations of the International Organisation of Employers (IOE), received on 30 August 2024. Finally, the Committee notes the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024, and the reply of the Government thereto.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion that took place in the Conference Committee on the Application of Standards (hereinafter the Conference Committee) in June 2024 concerning the application of the Convention. In its conclusions, the Conference Committee requested the Government to consider, in line with the Convention and in consultation with employers' and workers' organizations: (i) further improvements of the status and labour conditions of firefighters; (ii) what categories of prison officers are considered part of the police, thus exempted from the right to organize, and those categories that are not considered part of the police, and having the right to organize; and (iii) with regard to public service employees: (a) ensure that the National Personnel Authority (NPA) procedures guarantee effective, impartial and speedy conciliation and arbitration procedures; (b) continue to examine carefully the autonomous labour–employer relations system and seek solution to the various obstacles to it, in line with the Convention; and (c) review the Local Public Service Act and any other related legislation to ensure that local public sector workers enjoy the rights and guarantees set out in the Convention.

Article 2 of the Convention. Right to organize of firefighting personnel. The Committee recalls its long-standing comments concerning the need to recognize the right to organize for firefighting personnel. For more than two decades, the Government has been referring to the operation of the Fire Defence Personnel Committee (FDPC) system, which it presented as an alternative to the right to organize. The role of the FDPC was to examine proposals on working conditions of personnel and to submit its conclusions to the chief of the fire department. Surveys directed to fire defence headquarters are regularly conducted to gather information on the deliberations and results of the FDPC. In its report, the Government refers to specific surveys, conducted in 2022 and 2023, aimed at assessing the operation of the FDPC system and seeking improvement. The Government also reports that, in July 2024, the Ministry of Internal Affairs and Communications (MIC) held the twelfth consultation with the workers' representatives to discuss the issues related to the FDPC system, based on the results of the survey on the FDPC's operational status and recent efforts to improve the operation of the system. On this occasion, the MIC explained that it would conduct further analysis of the operational status, hold interviews with some fire departments and conduct a survey with new items. The MIC intends to work to streamline the operation of the system. The Government adds that through the FDPC system, about 40 per cent of the opinions which have been deliberated were decided as "appropriate to be implemented", and about 50 per cent or more of them have been realized. Those opinions are urgent needs of the fire defence personnel such as requests for countermeasures for harassment and

establishment of Epidemic Prevention Work Allowance, which is paid to ambulance team members and others engaged in work to deal with COVID-19. The Government intends to continue to have social dialogue with social partners regularly and to strive for mutual understanding on the FDPC system.

The Committee notes the views of the IOE and of Nippon Keidanren that it can be argued that the firefighting service in Japan, which is responsible for dealing with natural disasters, is of similar importance for the protection of people's lives, health and property as the police in a narrower sense, given the frequent natural disasters in Japan. The organizations argue that the reasons in favour of excluding the police and armed forces from the scope of the Convention apply equally to the fire service in Japan. The IOE encourages the Government to continue to pursue an approach that combines compliance with the requirements of the Convention as well as with its specific national needs and suggests to the Government to seek further guidance and ideas from good practice in other countries with similar systems and needs.

According to the ITUC, the idea that the Government can just categorize firefighters or other public servants as police or having a command or rank structure or as gun-holding personnel to exclude them from the guarantees provided by the Convention is arbitrary and inconsistent with the scope of the Convention. In the absence of any evidence to the contrary, the basic functions of the Japanese police include, for example, the authority to investigate crimes, the authority to make arrests, and the carrying and use of weapons for these purposes. Firefighters do not have these powers. They are emergency workers and, to that extent, peace officers. This is the same for a majority of prison officers. Therefore, the way the Government is treating these categories of workers for the purposes of the right to organize is discriminatory. The justification for any limitations on this enabling right must find grounds in *Article 9* of the Convention. In the absence of this justification, the default position should be that, in accordance with their legitimate expectation, firefighters and public servants can form or join a trade union of their choice – with any necessary limitations arising from their functions. The ITUC invites the Government to recognize that during the spread of the COVID-19 pandemic, the personnel involved in emergency services showed a high sense of mission and a high level of professionalism to protect the lives of patients without regard for the risk of infection to themselves and their families. The idea that these colleagues will be less patriotic or professional if they exercise their right to organize cannot be further from the truth and the reality. Their professionalism only increased their popularity among the population and created a real leverage for the improvement of their rights. The sanitary crisis during the COVID-19 pandemic led to worsened working conditions for emergency personnel, particularly the ambulance services. Despite clear proposals gathered from the first-responder firefighters, their organization was unable to engage with management on urgent remedial measures in the absence of a system where labour and management could cooperate. The Government has also provided information regarding the use of the FDPC system, even during the COVID crisis which enabled the review of about 5,000 opinions per year – of which 40 per cent are considered appropriate for implementation. The ITUC is of the view that soliciting opinions is not the same as having the right to be consulted or to negotiate.

The JTUC–RENGO is of the view that after the Noto Peninsula Earthquake that occurred in January 2024, the firefighting organizations established a wide-area emergency and support system, such as lifesaving and rescue operations, more rapidly than the police and the Self-Defense Forces. This is due to the high sense of mission of firefighters enabling the immediate nationwide emergency system and is completely unrelated to the approval or disapproval of the right to organize. The FDPC requires the lengthy procedures of "submission of opinions, summarizing of opinions, deliberations, report to the Fire Chief and the Fire Chief's judgment, budget request to the head of the municipality and relevant departments, and final adjustment", and the Government has done nothing to respond to this. The FDPC cannot stand as a compensatory measure for the right to organize.

The Committee is bound to recall its regularly expressed view that the implementation policy for the FDPC remains distinct from the recognition of the right to organize under *Article 2* of the Convention.

It notes that views remain divergent between the Government and the workers' organizations on the meaningfulness of the consultations held under the FDPC system and notes with ***regret*** that no progress was made towards bringing positions closer together on the right to organize of firefighting personnel. ***The Committee expresses its firm expectation that continuing consultations with the social partners and other stakeholders concerned will contribute to further progress towards ensuring the right of firefighting personnel to form and join an organization of their own choosing to defend their occupational interests. The Committee requests the Government to provide detailed information on developments in this regard.***

Right to organize of prison staff. The Committee recalls its long-standing comments concerning the need to recognize the right to organize of prison staff. The Committee notes that the Government recalls its position that prison officers are included in the police, that this view was accepted by the Committee on Freedom of Association in its 12th and 54th Reports, and that granting the right to organize to the personnel of penal institutions would pose difficulty for the appropriate performance of their duties and the proper maintenance of discipline and order in the penal institutions, especially in cases of an emergency, when it is required to bring the situation under control, by force if necessary. Following the Government's decision to grant expanded opportunities for the personnel of penal institutions to express their opinions in the eight regional correctional headquarters across the country, sessions took place with the participation of 230 general staff members (from 78 penal institutions) in 2023. The participants exchanged opinions on improving the work environment, on staff training and on the reduction of the workload. Furthermore, the Government introduced "consultation services for staffs", accepting anonymous consultations/complaints, with the Correction Bureau, Regional Correction Headquarters and Training Institution. The Government promoted work–life balance by setting a "Strengthening Consultation Period" not only within the correctional organizations, but also through various services provided by external organizations such as the National Personnel Authority (NPA). Since April 2024, mental health counsellors have been assigned to all penal institutions to enhance mental health measures for correctional staff.

The Committee notes the IOE and Nippon Keidanren's observations supporting the Government's view that prison officers should be considered part of the police. The IOE considers, however, that it is important to improve the working conditions and treatment of prison officers, and therefore encourages the Government to further strengthen its efforts to ensure that the measures function effectively as an alternative to not granting the right to organize.

The Committee notes that according to JTUC–RENGO, the various measures described by the Government to provide opportunities for the personnel of penal institutions to express their opinions on their working conditions is not equivalent to guaranteeing them the right to organize. In addition, JTUC–RENGO deeply regrets that no action was taken by the Government to consult the social partners on the classification of prison officers considered part of the police and the classification of prison officers not considered part of the police, as called for in the 2018 conclusions of the Conference Committee.

While appreciating the information on the Government's latest initiatives to give opportunities to the personnel of penal institutions to provide their opinions on various aspects, including on their working conditions, and on measures taken in the past year to enhance welfare for the correctional personnel following consultation of the staff, the Committee is bound to repeat its view that these initiatives remain distinct from the recognition of the right to organize under *Article 2* of the Convention. The Committee notes with ***regret*** that the Government has again failed to engage in consultation with the social partners to determine the categories of prison officers that may form and join an organization of their own choosing to defend their occupational interests. In this regard, the Committee again recalls that, in previous reports, the Government referred to the following distinction among staff in penal institutions: (i) prison officers with a duty of total operations in penal institutions, including conducting security services with the use of physical force, who are allowed to use small arms and light weapons;

(ii) penal institution staff other than prison officers who are engaged directly in the management of penal institutions or the treatment of inmates; and (iii) penal institution staff designated, by virtue of the Code of Criminal Procedure, to carry out duties of judicial police officials with regard to crimes which occur in penal institutions and who have the authority to arrest, search and seize. ***Therefore, the Committee once again urges the Government to engage without further delay in consultations with the social partners and other stakeholders concerned to determine the necessary measures to ensure that prison officers, other than those with the specific duties of the judicial police, may form and join an organization of their own choosing to defend their occupational interests, and to provide detailed information on the steps taken in this regard.***

Article 3. Denial of basic labour rights to public service employees. The Committee recalls its long-standing comments on the need to ensure basic labour rights for public service employees, in particular that they enjoy the right to industrial action without risk of sanctions, with the only exception being public servants exercising authority in the name of the State and workers employed in essential services in the strict sense of the term. The Committee notes the general information provided once again by the Government on its overall approach, which remains to continue to hear opinions from employee organizations. The Government refers once again to the procedures of the NPA presented as an effective and impartial compensatory guarantee for public service employees whose basic labour rights are restricted. The Government indicates that the NPA held 186 official meetings with employees' organizations in 2023 and 111 meetings in 2024 (as of September), making recommendations enabling working conditions of public service employees to be brought into line with the general conditions of society. In preparation of its 2024 recommendation on the "Improvement of remuneration system in response to the change of society and civil service" (comprehensive revision of various remuneration systems including salaries and allowances), the NPA has heard employee organizations' opinions from the early phases of the process. The recommendations include, inter alia, measures to improve the salary of young employees, especially those working in rural areas and who are new high school graduates, and to raise the maximum amount of the commuter allowance. The Government reiterates that these compensatory measures are appropriate to maintain working conditions of public service employees.

The Committee notes the Nippon Keidanren observations reiterating its support for the Government's intention to continue to carefully review and consider measures for an autonomous labour–employer relations system, taking into account views from employees' organizations.

The Committee notes the observations from the JTUC-RENGO regretting that the Government's position on the autonomous labour–employer relations system has not evolved and the Government's failure to initiate consultation with the organizations concerned. Furthermore, JTUC-RENGO reiterates that the NPA recommendations system is an extremely incomplete mechanism in which the drafting of the relevant legislation is left to political decision, making it obvious that such a mechanism falls short as a compensatory measure. JTUC-RENGO deplores that the reality of the "hearing and exchange of opinions with employee organizations" at meetings is limited to simply taking note of the opinions of the employee organizations. JTUC–RENGO regrets that on all occasions. the Government merely and invariably repeats its statement made in 2013 in the House of Representatives that "an autonomous industrial relations system would have a wide range of issues and as citizens' understanding has not been gained yet, it will be necessary to continue to consider this carefully". JTUC–RENGO once again deplores the evident lack of intention on the part of the Government to reconsider the legal system regarding the basic labour rights of public service employees.

Deploring the fact that the Government again fails to provide any sign of progress on the matter, the Committee urges the Government to engage without further delay in consultations with the social partners and other stakeholders concerned to determine the necessary measures to ensure that public service employees, who are not exercising authority in the name of the State, enjoy fully their basic labour rights, in particular the right to industrial action. Moreover, in the absence of information on

tangible measures in this regard, the Committee again urges the Government to resume consultations with the social partners concerned for the review of the current system with a view to ensuring effective, impartial and speedy conciliation and arbitration procedures, in which the parties have confidence and can participate at all stages, and in which the awards, once made, will be fully and promptly implemented. The Committee expects the Government to provide information on meaningful steps taken in this regard.

Local public service employees. The Committee recalls that, in its previous comments, representative organizations in the local public sector had referred to the adverse impact of the entry into force of the revised Local Public Service Act in April 2020 on their right to organize on the following grounds: (i) non-regular local public service employees and their unions are not covered by the general labour law that provides for basic labour rights and their ability to appeal to the labour relations commission in case of alleged unfair labour practice; (ii) the new system, which aimed at limiting the use of part-time staff on permanent duties (through special service positions appointed by fiscal year just as regular service employees), has the effect of increasing the number of workers stripped of their basic labour rights; (iii) the conditional yearly employment system in place has created job anxiety and weakens union action; and (iv) these situations further call for the urgent restoration of basic labour rights to all public service employees. The Committee observes that, in its latest observations, JTUC–RENGO reiterates its submission made in 2021 that, while the legal amendments are a step to ensure proper appointment of special service personnel and temporary appointment employees, the basic labour rights of local public service employees remain unaddressed and should be addressed as early as possible in the overall framework of the restoration of basic labour rights to all civil servants.

In addition, in their observations, the Rentai Union Suginami, the Rentai Workers' Union, Itabashi-ku Section, the Apaken Kobe (Casual/Temporary/Part-time Non-regular Workers' Union) and the Union Rakuda (Kyoto Municipality Related Workers' Independent Union) inform of a lawsuit filed in March 2023 by a joint labour union in Tokyo that includes foreign nationals (Tozen Union) against the Tokyo Metropolitan Government, claiming that the deprivation of basic labour rights violates the Constitution. As the MIC has agreed to participate in the case as a party to the lawsuit, the trade unions consider that this case will raise public awareness about the situation in which non-regular local government civil servants have been placed, demonstrating the connection between the protection of fundamental labour rights and the maintenance and improvement of working conditions. More generally, the trade unions call on the Government to disseminate the recommendations made by the ILO supervisory bodies on the Local Public Service Act to national and local government officials and legislators, and to inform the public at large. This dissemination could include posting on the Ministry of Health, Labour and Welfare website and press release.

The Committee notes with ***regret*** that the Government merely reiterates that it will carefully examine what the basic labour rights of local public service employees should be in a manner consistent with the measures for the labour–employer relations system of national public service employees, as prescribed by the supplementary provision of the Civil Service Reform Act. To this end, it will continue to exchange views with employees' organizations concerned. The Committee notes Nippon Keidanren's observations supporting the position of the Government for careful examination regarding the basic labour rights of local public service employees. It also notes the IOE's encouragement to continue these consultations.

Noting with ***regret*** the absence of any concrete action by the Government to address the matter, the Committee is once again bound to observe that the legal amendments to the Local Public Service Act that entered into force in April 2020 for local public service employees had the effect of broadening the category of public sector workers whose rights under the Convention are not fully ensured. ***Therefore, the Committee once again urges the Government to expedite without further delay its consideration of the autonomous labour–employer relations system, in consultation with the social partners concerned to ensure that municipal unions are not deprived of their long-held trade union***

rights through the introduction of these amendments. The Committee expects the Government to provide information on meaningful steps in this regard.

Articles 2 and 3. Consultations on a time-bound action plan of measures for the autonomous labour–employer relations system. The Committee ***deeply regrets*** that since 2018, the Government has failed to take any concrete step to follow-up on the specific request of the Conference Committee to define with the social partners concerned a time-bound plan of action to give effect to the Conference Committee's recommendations. In its report, the Government once again merely repeats that it continues to carefully examine how to respond to the conclusions and recommendations formulated by the Conference Committee. The Government states its intention to conduct new exchanges of opinion with the employers' and workers' organization based on the June 2024 conclusions of the Conference Committee. ***Observing that JTUC–RENGO calls for setting a two-year limit for the formulation of an action plan to address the matter, the Committee requests the Government to provide information on all developments in this regard.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1953)

Previous comment

The Committee notes the observations of the Japanese Trade Union Confederation (JTUC–RENGO) provided with the Government's report, as well as the Government's reply thereto. It also notes the observations of the Japan Business Federation (NIPPON-KEIDANDREN), communicated with the Government's report.

Articles 4 and 6 of the Convention. Collective bargaining rights of public servants not engaged in the administration of the State. In its previous comments, the Committee requested the Government to provide information on the steps taken to engage in consultations with the social partners so as to ensure collective bargaining rights for public servants not engaged in the administration of the State. The Committee notes that the Government once again merely recalls that: (i) the fundamental rights at work of public service employees are, to some degree, restricted, due to the distinctive status and the public nature of their functions, performed in the common interest of citizens; (ii) the measures for an autonomous labour–employer relations system are issues that should be considered carefully while continuing to exchange opinions with workers' organizations, since a wide range of issues remain to be understood by the public, making further in-depth discussion of those issues necessary; and (iii) public servants benefit from the National Personnel Authority (NPA) recommendation system as an effective and impartial compensatory measure for public servants whose fundamental rights at work are restricted. In particular, the Government indicates that the NPA held 186 official meetings with employees' organizations in 2023 and 111 meetings in 2024 (up until September) to develop recommendations to align the working conditions of public service employees with the general conditions in the private sector. For example, in preparing its 2024 recommendation on "Improvement of the pay system in response to changes in society and the public service" (a comprehensive review of the different pay systems, including wages and allowances), the NPA heard the views of employees' organizations from the initial stages of the review and submitted the elements to be considered in the planned review for their opinions. The Government therefore reaffirms that these compensatory measures maintain appropriately the working conditions of public service employees.

The Committee notes the observations of the JTUC-RENGO which complains that the Government has not engaged in any meaningful consultations on the autonomous labour–employer relations system. In these circumstances, the employers simply play a minimal role when required to enter into in negotiations under section 108–5 of the Public Service Act (which provides that the competent authorities concerned shall place themselves in the position to respond to any proposal by a registered trade union organization to negotiate on the remuneration of public servants, their hours of work or

other conditions of work, or in connection therewith, on matters pertaining to lawful activities, including social and welfare activities). The Committee also notes the observations of NIPPON KEIDANREN, which reiterates its support for the Government's intention to continue to carefully examine and consider measures for an autonomous labour–employer relations system, taking into account the views of employees' organizations.

The Committee recalls that it drew the Government's attention to the need to ensure the promotion of collective bargaining for public servants not engaged in the administration of the State for the first time in its observation of 1994. The Committee ***regrets*** to note once again that the Government's report does not contain any information on substantive measures in this respect. ***The Committee is bound to reiterate its comments and therefore firmly expects the Government to make every effort to expedite its consultations with the social partners concerned and adopt measures for the establishment of the autonomous labour–employer relations system that will ensure collective bargaining rights for all public servants not engaged in the administration of the State. In the meantime, the Committee requests the Government to continue to provide information on the functioning of the NPA recommendation system as a compensatory measure for the denial of collective bargaining rights to public servants.***

Collective bargaining rights of national forestry project staff. The Committee previously requested the Government to indicate the steps taken to ensure that national forestry project staff are afforded all guarantees under the Convention, including the right to bargain collectively. In this regard, the Committee notes the observations of the JTUC–RENGO, which indicates that no progress has been achieved in this respect and denounces the lack of will on the part of the Government to resolve the issue. The Committee notes the Government's indication that it conducts an annual exchange of opinions with workers' organizations with regard to working conditions in the forestry sector. The views and requests received are communicated promptly to the ministries and agencies responsible for the supervision of the working conditions system, and those that can be adopted are swiftly implemented. Thus in 2021, a centralized consultation system was established to promote measures to prevent harassment; in 2022, maternity and postnatal leave was paid in order to improve the salary of part-time employees; and in 2023, the wage regulations of the Forestry Agency were amended to increase the applicable wages.

While noting the implementation of measures to improve working conditions in national forestry projects, the Committee is bound to recall once again its view that the staff of these national projects are not among the category of workers that may be excluded from the scope of the Convention and should therefore enjoy the right to collective bargaining. ***Regretting the lack of progress in this respect, the Committee expects the Government to engage without further delay in substantive consultations with the representative organizations concerned in order to ensure that national forestry project staff are afforded all guarantees under the Convention, including the right to collective bargaining.***

Full guarantee of the Convention for local public servants. The Committee previously noted that legal amendments that entered into force in 2020 for local public servants have the effect of broadening the category of public sector workers whose rights under the Convention are not fully guaranteed. It requested the Government to expedite its consideration of the autonomous labour–employer relations system so as to guarantee that the rights provided by the Convention cover local public servants without distinction, and that the right to collective bargaining of municipal unions is not impaired by the legal amendments introduced. The Committee notes that the Government merely indicates that the fundamental rights of local public servants must be taken into consideration at the same time as measures for the labour–employer relations system for national public service employees, in order to ensure consistency. Recalling that the measures relating to the autonomous labour–employer relations system for the national public service are confronted by a wide range of issues and have not yet been understood by the public, the Government indicates again that it is a matter that must be considered while continuing to exchange opinions with employees' organizations. The Government reiterates that

it will conduct a full review of the fundamental rights of local public servants on the basis of the national public service reform review.

Once again, the Committee is bound to recall that the Convention covers all workers and employers, and their respective organizations, in both the private and public sectors, regardless of whether the service is essential. The only exceptions authorized concern the armed forces and the police, as well as public servants engaged in the administration of the State. It also recalls that the rights and safeguards set out in the Convention apply to all workers irrespective of the type of employment contract, regardless of whether or not their employment relationship is based on a written contract, or on a contract for an indefinite term (see the General Survey of 2012 on the fundamental Conventions, paragraph 168). ***The Committee expects the Government to provide information on tangible progress in the consideration of the autonomous labour–employer relation system so as to ensure the full enjoyment by all local public service officials of the rights contained in the Convention, including the right to collective bargaining. Furthermore, the Committee expects this review to ensure that the right to collective bargaining of municipal unions is not undermined by the introduction of legal amendments.***

Jordan

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1968)

Previous comment

Articles 1 to 6 of the Convention. Scope of application of the Convention. Foreign workers. In its previous comments, the Committee noted that the legal restrictions to the freedom of association of foreign workers, in addition to the existing union monopoly, have strongly contributed to a situation where, in many sectors foreign workers have no access to collective bargaining, while in some others, their bargaining power is significantly constrained in practice. On that basis, the Committee urged the Government to repeal section 98(e)(1) of the Labour Code (pursuant to which foreign workers do not have the right to establish trade unions) and section 7(a) of the Jordanian Teachers' Association Act (hereinafter the JTA Act) (pursuant to which foreign workers cannot join the JTA) and requested it to promote collective bargaining in the sectors where foreign workers are highly represented. The Committee notes that the Government reiterates that pursuant to sections 98(e) and (f) of the Labour Code, while non-Jordanian workers may join trade unions, they do not have the right to establish trade unions, and that amending section 98(e) would lead to a violation of the Constitution, which grants the right to establish trade unions only to Jordanians. Regarding section 7(a) of the JTA Act, the Government reiterates that in accordance with section 19(d) of the JTA Act, amendments may be proposed only by the board of the union to the central authority of the association, which is then forwarded to the Minister to take the necessary legal measures. The Committee also notes the Government's reference to the fact that the collective agreements concluded (46 in 2023 and 16 the first half of 2024) cover both Jordanian and non-Jordanian citizens). Noting the Government's reiterated arguments concerning the legislative review of the above-mentioned provisions, the Committee once again recalls that States have an obligation to take effective measures in their domestic legislations as well as in practice to comply with the Conventions they have ratified. ***In view of the above, the Committee once again urges the Government to take the necessary measures to repeal the legal provisions that exclude foreign workers from the right to directly engage in collective bargaining, in particular section 98(e)(1) of the Labour Code and section 7(a) of the JTA Act. It also requests the Government to promote collective bargaining in all sectors where foreign workers are highly represented and to provide detailed information on collective agreements concluded therein, specifically indicating the number of migrant workers covered by them.***

Domestic workers. The Committee notes that the Government does not provide any information on measures taken to amend the Labour Code or Regulation No. 90 of 2009, as amended by Regulation No. 64 of 2020 on domestic work, which, as previously noted, do not grant domestic workers the rights to organize and bargain collectively. It notes the Government's indication that no domestic workers have joined the pre-existing sectoral union, the Union of General Services and Free Professions, which, pursuant to Decision No. 2022/45 of the Minister of Labour dated 18 July 2022, domestic workers have the right to join. ***The Committee once again urges the Government to take appropriate measures to revise the Labour Code or the Regulation on domestic work with a view to expressly recognizing the right of domestic workers to organize and bargain collectively. It once again requests the Government to promote collective bargaining in the domestic work sector and provide information on any measures taken in this respect.***

Agricultural workers. Concerning the Committee's request on measures to promote collective bargaining in the agricultural sector, the Committee notes the Government's reiterated reference to activities undertaken by the pre-existing sectoral union, the General Trade Union for Workers in Water, Agriculture and Food Industries, aimed at organizing agricultural workers and training them on the basics of union work. In this context, the Committee notes with ***interest*** the Government's indication that the first collective labour contract for workers in the agricultural sector was deposited in March 2024. ***The Committee requests the Government to continue to provide information on the promotion of collective bargaining in the agriculture sector, and, also, to provide information on the number of workers covered by the collective agreement referred to above as well as a copy of the agreement.***

Workers aged between 16 and 18 years. In its previous comments, the Committee observed that minors between 16 and 18 years of age have access to employment but are prohibited from joining trade unions as per section 98(f) of the Labour Code and requested the Government to amend the law in this respect. Noting that the Government reiterates its previous indications which relate to questions of legal liability for holding trade union office or being a founder of a trade union, the Committee emphasizes that minors who have reached the minimum legal age for admission to employment, both as workers and apprentices, should be able to join trade unions and to exercise their collective bargaining rights. The Committee notes with ***regret*** that there has been no progress in this respect. ***Therefore, the Committee once again urges the Government to take the necessary measures to amend section 98(f) of the Labour Code to grant the rights under the Convention to all workers having reached the legal age of admission to work. It requests the Government to provide information on the measures taken or envisaged in this respect.***

Education sector workers. In its previous comments, the Committee observed that members of the Jordanian Teachers Association (hereinafter the JTA), including public sector teachers (making up the majority of its members and being governed by the JTA Act, which does not provide for collective bargaining rights) and private sector teachers (who make up the minority of its members), did not appear to enjoy the right to collective bargaining. It also noted that at least two cases concerning executives and members of the JTA were pending before the court, including: (1) the case concerning the dissolution by judicial decision of the JTA executive board; and (2) a penal case involving charges of incitement to hatred, disturbing the order at an educational institution, instigating an unlawful assembly, and misuse of authority and wasting public money. The Committee also noted the ITUC's observations alleging persecution of the members of the JTA by the authorities, and the arrest and detention of 14 of its leading members. It also noted the ITUC's indications that although the organization had restarted its activities, its leadership had been replaced and its members faced restrictions in organizing collective actions.

Recalling that the right to collective bargaining must be guaranteed for workers in both public and private educational institutions, the Committee notes with ***deep regret*** that the Government does not provide information on any measures taken in this respect for members of the JTA, including any new information on the above-mentioned cases before the courts. While it notes the Government's

reference to a reply by letter in November 2023 to the observations made by the ITUC, this letter was not attached with the Government's report. ***Therefore, the Committee once again urges the Government to: (i) take all the necessary measures, including legislative measures, to effectively recognize in law and effectively respect in practice the right to collective bargaining of the members of the JTA and all workers in public and private educational institutions; and (ii) provide information on the outcome of all penal and civil cases pending against the JTA and its members, including the identities of workers charged in the aforementioned cases, the trade union offices assumed by them, and the concrete acts that have led to these charges. Finally, the Committee once again requests the Government to provide its comments on the observations of the ITUC.***

Workers not included in the 17 sectors recognized by the Government. In its previous comments, the Committee noted that section 98(d) of the Labour Code, which provides for a closed list of industries and economic activities in which one trade union per sector may be established, is incompatible with the principles of the Convention, as it will inevitably have the effect of excluding entire categories of workers from the right to establish and join organizations, and therefore from exercising the right to collective bargaining.

The Committee notes with ***regret*** that the Government has failed to provide information on any progress made as regards to its request to review and repeal section 98(d) and take measures to ensure that workers in all sectors covered by the Convention have the right to organize and bargain collectively. The Committee recalls that establishing a limited list of occupations with a view to recognizing the right to associate freely is contrary to the right of workers without distinction whatsoever to establish and join organizations of their own choosing. ***The Committee therefore once again urges the Government to resolve this long-standing issue by repealing section 98(d) of the Labour Code and taking effective measures without further delay to ensure that workers in all sectors without distinction can exercise their right to organize and bargain collectively through the organization of their choosing. It requests the Government to provide information on the measures taken in this respect.***

Article 2. Adequate protection against acts of interference. The Committee previously noted that following amendments to section 139 of the Labour Code in 2023, fines for employers in breach of the Code including acts of interference had increased to up to 1,000 Jordanian dinars (US$1,410). It noted that these fines, which can neither be adjusted with inflation nor adapted in proportion to the size of the enterprise, may not be sufficiently deterrent in the long term and in cases in which the interfering employer disposes of considerable financial resources.

The Committee notes that the Government merely reiterates its previous response and refers to the above-mentioned increase of the fines through the legislative amendments in 2023. ***The Committee therefore once again requests the Government to review section 139 of the Labour Code, in full consultation with the social partners, with a view to effectively strengthening the penalties for acts of interference, so as to ensure that they are sufficiently dissuasive and requests it to provide information on the measures taken in this regard.***

Articles 4 and 6. Right to collective bargaining. Trade union monopoly. In its previous comments, the Committee observed that there is a situation of union monopoly in Jordan, where 17 sectoral unions all affiliated to a single confederation, are the only recognized workers' organizations. It noted that this situation is based on sections 98(d) and 102(c) of the Labour Code and Decision No. 2022/45 of the Minister of Labour, which classifies the industries and economic activities in which trade unions may be established.

The Committee notes that the Government once again reiterates that the objective of such a classification of recognized sectors and non-recognition of new trade unions in any of the sectors with an already existing trade union is to avoid fragmentation and conflict of interest. The Committee notes with ***regret*** the lack of progress on this very important and long-standing issue and recalls that the right of workers to free and voluntary collective bargaining should include the right to be represented in

collective bargaining by the organization of their choice. ***Therefore, the Committee once again urges the Government to remove all obstacles to trade union pluralism or the right of workers to establish and join trade unions of their own choosing, by: (i) repealing section 98(d) of the Labour Code and Decision 2022/45 of the Minister of Labour; and (ii) taking effective measures to promote trade union pluralism and the freedom of association and the right to collective bargaining of all workers. It requests the Government to provide information on the measures taken in this regard.***

Collective bargaining in the public sector. Public servants not engaged in the administration of the State. In its previous comments, the Committee noted the absence of a legal framework explicitly recognizing the right to collective bargaining of public sector workers who are not engaged in the administration of the State. It also noted the Government's indications that Government employees may establish unions for the defence of their interests, provided that that they are established through special laws, but that no such special legislation had been issued besides the JTA Act.

In response to the Committee's request for legislative measures in this respect, the Committee notes with ***regret*** that the Government has not provided information or copies of any special regulations or legislations adopted for the creation of trade unions by public sector employees. ***Recalling the need for measures to guarantee the right to organize and collectively bargain for all workers in the public sector except those engaged in the administration of the State, the Committee once again urges the Government to take the necessary measures to: (i) adopt legislation enabling all public servants not engaged in the administration of the State to establish organizations to defend their interests; (ii) ensure that all public servants not engaged in the administration of the State have an effective framework in which they may engage in collective negotiations over their working and employment conditions through the trade union of their choice, for example, by revising Civil Service Regulation No. 9 of 2020, or by extending the scope of the Labour Code. The Committee requests the Government to provide information on any developments in this regard.***

The Committee reminds the Government of the possibility to avail itself of ILO technical assistance regarding the issues raised in this comment.

[The Government is asked to reply in full to the present comments in 2025.]

Kazakhstan

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2000)

Previous comment

In its previous comment, the Committee welcomed the Plan of Action, elaborated with the participation of the social partners, to give effect to the recommendations of the ILO supervisory bodies and expected that all measures to that end would be taken within the time limits set. While noting the information provided by the Government to the Conference Committee on the Application of Standards (Conference Committee) in May 2023, as examined below, the Committee notes with ***deep regret*** that the Government's latest report contains no new information on the measures taken to address the Committee's previous comments. ***The Committee therefore expects that the Government's next report will contain information on the effect given to the recommendations of the ILO supervisory bodies, as outlined below.***

In its previous comment, the Committee requested the Government to provide information in relation to: (i) the situation of Mr Yerlan Baltabai and Ms Larisa Kharkova, two former trade union leaders who had served their respective sentences (after they had been found guilty of the alleged misappropriation of funds) but remained prevented from holding a trade union office pursuant to the provisions of the Criminal Code; and, in this respect, (ii) on the proposals to amend the relevant sections of the Criminal Code so as to remove an additional punishment in the form of a ban on holding a public

office (including trade union leadership posts) or a prohibition to engage in "public activities". The Committee notes with ***regret*** from the information provided by the Government to the Conference Committee in May 2023 that this proposal was not supported by the interdepartmental working group on monitoring the application of the Criminal and Criminal Procedure Codes. The Committee further notes with ***regret*** that the Government provides no information on the situation of Mr Baltabai and Ms Kharkova. ***Noting the Government's indication to the 2023 Conference Committee that despite the lack of support for amendment of the Criminal Code by the interdepartmental working group, the work towards the amendment of the relevant provisions will continue as part of the implementation of the Plan on Further Measures in the field of human rights and the rule of law, the Committee urges the Government to provide information on all progress made in that respect.***

The Committee further notes with ***regret*** the absence of progress made in investigating the assault, in 2018, on Mr Dmitry Senyavsky, a former trade union leader. ***Recalling that the Plan of Action included steps to be taken with a view to finding the perpetrators before the end of 2022, the Committee once again urges the Government to intensify its efforts in investigating the incident with a view to bringing the perpetrators to justice, and to report on all progress in this regard.***

In its previous comment, the Committee observed with concern that the Government had not responded to the statements made by several speakers during the discussions at the 2022 Conference Committee that the extremely brutal repression of the Zhanaozen strike (in 2011) had resulted in 17 deaths and some 100 injuries among the strikers, and urged the Government to take all necessary measures, in consultation with the social partners, to establish an independent investigation into the events in Zhanaozen, with a view to elucidating all facts and determining responsibilities so that healing and reconciliation can begin to take place. The Committee notes with ***deep regret*** the absence of any new information in this regard. ***The Committee therefore reiterates its previous request and expects the Government to provide information on any measures taken in consultation with the social partners.***

Article 2 of the Convention. Right to establish organizations without prior authorization. In its previous comment, the Committee urged the Government to take additional steps to resolve the issue of registration of the affiliates of the Sectoral Trade Union of Workers in the Fuel and Energy Complex (Sectoral Trade Union of TEK Workers). The Committee notes from the information submitted by the Government to the Conference Committee in 2023 that the amendments to the Sectoral Trade Union of TEK Workers' charter (to change the union's legal address) was registered and ***regrets*** that no further information was provided by the Government in respect of the Committee's previous request. ***The Committee therefore urges the Government to provide information on the status of registration of the Sectoral Trade Union of TEK Workers and its affiliates.***

The Committee previously requested the Government to amend the Law on Trade Unions so as to ensure that the requirements imposed on trade unions to be recognized as sectoral did not impede, in practice, the establishment of unions at that level. The Committee notes from the information provided by the Government to the Conference Committee in 2023 that the requirements for the establishment of a sectoral trade union were being reconsidered and that contrary to the current obligation imposed on sectoral trade unions to have representative offices in more than half of the country's regions, it is proposed to provide that a sectoral trade union should have representative offices in the territory of more than half of the regions where enterprises in a particular industry are located. The Committee ***regrets*** that no further information has been provided by the Government in this respect. ***The Committee therefore once again requests the Government to amend the Law on Trade Unions, in consultation with the social partners, so as to ensure that the establishment of sectoral trade unions is not impeded, and to inform it of all progress made in this regard.***

The Committee also requested the Government to provide information on developments with regard to a proposal to amend the national legislation, by the first quarter of 2023, to simplify

registration by replacing the current procedure with a notification procedure for trade unions wishing to acquire legal personality or allowing trade unions to function without registering and thus, without obtaining legal personality. ***Noting with regret that the Government provides no new information in this regard, the Committee reiterates its request and expects the Government to provide information on all progress made, including a copy of the amendments once adopted.***

Article 3. Right of organizations to organize their activities and formulate their programmes. The Committee previously requested the Government to provide information on all steps taken or envisaged to review section 402 of the Criminal Code so as to ensure that simply calling for a strike action, even one declared illegal by the courts, does not result in detention or imprisonment. The Committee notes from the information submitted by the Government in 2023 that it was considering to convert the criminal offence covered by section 402(1) of the Criminal Code to an administrative offence while still criminalizing actions provoking continued participation in a strike, recognized by the court as illegal, if they cause significant harm to the rights and legitimate interests of citizens or organizations or the legally protected interests of society or the State, or caused mass riots. The Committee ***regrets*** the absence of any new information on the review of section 402 of the Criminal Code. ***The Committee therefore reiterates its previous request and expects the Government to provide information on all progress made in this regard.***

Article 5. The right of organizations to receive financial assistance from international organizations of workers and employers. In its previous comment, the Committee expected that the necessary measures would be taken, without delay, to ensure that workers' and employers' organizations were not prevented from receiving financial or other assistance from international workers' and employers' organizations. While noting the Government's indication to the 2023 Conference Committee that the International Trade Union Confederation and the International Organisation of Employers will be included in the list of international organizations which can provide grants to their Kazakhstani affiliates, the Committee ***regrets*** the absence of information on whether the expressed intention has resulted in an amendment of the relevant Ordinance. ***The Committee reiterates its request and expects the Government to provide information on all developments in this regard.***

The Committee requests the Government to provide information on any new development in relation to the draft law on employers' organizations.

[The Government is asked to reply in full to the present comments in 2025.]

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 2001)

Previous comment

Article 2 of the Convention. Adequate protection against acts of interference. In its previous comments, the Committee requested the Government to provide information on the application in practice of sections 145 and 154 of the 2014 Criminal Code, under which acts of interference in the functioning of social organizations and/or trade unions are punishable by a fine or imprisonment. The Committee notes with ***regret*** that, once again, the Government does not provide information in this respect. ***The Committee therefore once again requests the Government to provide information on the application of the above-mentioned legislative provisions in practice.***

Article 4. Right to collective bargaining. In its previous comments, the Committee requested the Government to amend section 20 of the Labour Code, in order to ensure that the position of a representative union, even if it does not represent 50 per cent of the workforce, is not undermined by elected representatives. ***Noting with regret the absence of a Government's reply, the Committee requests once again the Government to amend section 20 of the Labour Code in consultation with the social partners in order to bring it into conformity with the Convention and so as to eliminate the contradiction with other provisions of the Labour Code, notably section 1(44) providing that workers***

are represented by trade unions or, in absence thereof, by other elected representatives. The Committee requests the Government to indicate all steps taken to that end.

In its previous comments, the Committee noted that pursuant to section 97(2) of the Code on Administrative Breaches (2014) and 158(5) of the Labour Code, an unfounded refusal to conclude a collective agreement is punishable by a fine of 400 monthly calculation index (MCI). The Committee recalled that legislation that imposes an obligation to achieve a result, particularly when sanctions are used in order to ensure that an agreement is concluded, is contrary to the principle of free and voluntary negotiation and requested the Government to take the necessary measures to ensure full compliance of the legislation with the above-mentioned principle and to provide information on the application in practice of the referred provisions, in particular on offences committed and penalties applied. ***Noting with regret the absence of a Government's reply,*** **the** ***Committee once again requests the Government to take the necessary measures in order to ensure the full conformity of the legislation with the principle of free and voluntary negotiation. The Committee also requests the Government to provide information on the application of the above-mentioned provisions in practice, in particular on the offences committed and the sanctions applied.***

Promotion of collective bargaining in practice. ***The Committee requests the Government to provide information on the number of collective agreements concluded and in force in the country, the sectors concerned and the number of workers covered by these agreements.***

Kuwait

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1961)

Previous comment

Article 2 of the Convention. Migrant workers. In its previous comments, the Committee observed that section 99 of Labour Law No. 6 of 2010 (hereinafter the Labour Law) restricted the right to form trade unions to Kuwaiti workers, and Ministerial Order No. 1 of 1964 laid down the conditions of possession of a work permit and a minimum of five years' residence in Kuwait for the exercise of the right to form trade unions. The Committee notes the Government's indication that the Ministerial Order has been cancelled through Administrative Decision No. 846 of 2015 and observes that the removal of these conditions constitutes a first step in recognizing the trade union rights of migrant workers. However, the Committee notes that section 99 of the Labour Law has not been amended and there is no provision allowing all labourers, Kuwaiti and non-Kuwaiti alike, the right to form trade union organizations. ***Therefore, the Committee urges the Government to amend section 99 of the Labour Law and take all necessary measures in law and in practice to ensure that all migrant workers enjoy the right to form trade unions without distinction whatsoever.***

Domestic workers. In its previous comment, noting that section 5 of the Labour Law excludes domestic workers from its scope and Law No. 68 of 2015 on Employment of Domestic Workers does not contain any provisions on their right to organize, the Committee urged the Government to revise its legislation to ensure the full recognition in law and in practice of the right of domestic workers to establish and join organizations. The Committee notes with ***regret*** that the Government merely reiterates that Law No. 68 of 2015 protects the rights of domestic workers but fails to provide any information on the measures taken to recognize, in law and in practice, their rights under the Convention. ***The Committee reiterates its previous request and expects the Government to provide information on all measures taken in this regard.***

Article 3. Restrictions to the right to draw up union constitutions and rules. In its previous comments, the Committee urged the Government to amend the model rules included in Ministerial Order No. 1 of 1964 which contained conditions for union membership that were incompatible with the Convention.

The Committee notes the Government's indication that the Ministerial Order has been repealed by Administrative Decision No. 846 of 2015 and notes the new guiding rules contained under Administrative Decision No. 1470 of 2015, both of which have been submitted with the Government's report. The Committee observes that article 8 of Administrative Decision No. 1470 of 2015 mandates organizations to submit reports of meetings of their general assembly and board of directors to the competent authority for the issuance of a certificate, entailing a risk of interference in the internal administration of organizations by public authorities, which is incompatible with the Convention. ***In view of the above, the Committee requests the Government to amend Administrative Decision No. 1470 of 2015 and to take all necessary measures to ensure that the model rules therein are in conformity with the Convention.***

Financial administration of organizations. The Committee notes that, in response to its request to review section 104(2) of the Labour Law that prohibits trade unions from investing their funds in financial, real estate and other speculation, the Government indicates that the restrictions under section 104(2) exist for public interest. In this regard, the Committee once again recalls that legislative provisions that restrict the freedom of trade unions to administer, utilize and invest their funds as they wish for normal and lawful trade union purposes, including through financial and real estate investments, are incompatible with *Article 3* of the Convention, and that the control exercised by public authorities over trade union finances should not go beyond the requirement for the organization to submit periodic reports. ***It therefore once again urges the Government to review section 104(2) of the Labour Law in order to allow trade unions to freely administer and invest their funds in accordance with Article 3 of the Convention.***

Overall prohibition on trade union political activities. In its previous comment, the Committee urged the Government to revise section 104(1) of the Labour Law to allow for legitimate political activities of trade unions The Committee notes the Government's indication that the prohibition prevents trade unions from deviating from their primary purpose of protecting workers and pursuing workers' rights. The Committee recalls once again that the right of trade unions to organize their activities includes the right to organize protest action, as well as certain political activities, such as expressing support for a political party considered more able to defend the interests of members (see the 2012 General Survey on the fundamental Conventions, paragraph 115). Sweeping bans on trade union political activities give rise to serious difficulties with regard to the exercise of these rights and are therefore incompatible with the Convention. ***Noting with regret that the Government has not taken any measures in this regard, the Committee reiterates its previous request and expects the Government to provide information on all measures taken to that end.***

Compulsory arbitration. In its previous comments, the Committee requested the Government to amend section 131 of the Labour Law which gives the Ministry of Labour the power to intervene in a labour dispute without the request of the parties to the dispute and submit the dispute to the arbitration tribunal or the conciliation commission, and section 132 of the Labour Law which prohibits strikes during such proceedings initiated due to the intervention of the Ministry. The Committee notes the Government's indication that sections 131 and 132 are an exception aiming to safeguard the interests of society and to ensure the functioning of public utilities in order to maintain social peace, and further that all sections of the Labour Law are being examined in consultation with social partners. The Committee recalls once again that recourse to compulsory arbitration to bring an end to a collective labour dispute and a strike is only acceptable when: (i) both parties to the dispute agree; or (ii) the strike in question may be restricted or even prohibited, which is limited to: (a) cases concerning public servants exercising authority in the name of the State; (b) conflicts in essential services in the strict sense of the term; or (c) situations of acute national or local crisis (see the 2012 General Survey on the fundamental Conventions, paragraph 153). ***Therefore, the Committee requests the Government to amend sections 131 and 132 of the Labour Law in consultation with social partners, and to inform it of any developments in this regard.***

Dissolution of executive boards. In its previous comments, the Committee requested the Government to amend section 108 of the Labour Law, which provides that an organization's board of directors can be dissolved by judicial order, in case the board engages in an activity that violates the provisions of the Labour Law or "laws relevant to the preservation of public order and morals". The Committee notes the Government's indication that dissolution is done only through a ruling of the court and that the law lays down conditions for filing a lawsuit, namely a violation of the law or of public order or morals. The Committee recalls once again that a violation of "public order or morals" as a ground for filing a lawsuit is too broad and vague and could subject the executive board of the organization to an excessive amount of control by the Ministry, entailing a serious risk of interference in the organization's internal administration. While noting the Government's indication that no cases have been filed thus far under section 108, the Committee recalls the need to ensure nonetheless that national legislation is in conformity with the Convention. ***The Committee therefore once again requests the Government to take the necessary measures to revise section 108 of the Labour Law, in order to make it compatible with the guarantees provided in the Convention and to provide information on all measures taken to that end***.

Articles 2 and 5. Limitation to a single confederation. In its previous comments, the Committee requested the Government to amend section 106 of the Labour Law which provides that "there should not be more than one general union for each of the workers and employers". The Committee notes that the Government reiterates that this provision was a demand by workers' representatives to protect the unity of the labour movement and avoid its division and dispersal. The Committee recalls once again that although the Convention does not make trade union diversity an obligation, it does require this diversity to remain possible in all cases and at all levels. Although it is generally to the advantage of workers and employers to avoid proliferation of competing organizations, trade union unity directly or indirectly imposed by law is contrary to the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 92). ***Therefore, the Committee once again requests the Government to take necessary measures to amend section 106 of the Labour Law to ensure the right of workers and employers to establish organizations of their own choosing at all levels, in particular the possibility of forming more than one confederation (general union). The Committee requests the Government to provide information on any developments in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 2007)

Previous comment

Scope of application of the Convention. Migrant and domestic workers. The Committee refers to its observation on the application of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), with respect to the restrictions to the trade union rights of migrant workers. The Committee stresses once again that these restrictions seriously affect the ability of migrant workers to exercise the rights recognized in the present Convention. Concerning domestic workers, the Committee recalls that they are excluded from the scope of the Labour Law and that Law No. 68 of 2015 on Employment of Domestic Workers does not contain any provisions concerning the right to organize and collective bargaining. The Committee notes with ***regret*** the absence of progress in this respect.

While duly noting the information concerning the establishment of an employment office for migrant workers in affiliation with the Kuwait Trade Union Federation, and the Government's signing of bilateral memoranda of understanding with labour-sending countries to protect migrant workers, the Committee notes that the Government has not provided information on trade union organizations established and collective agreements in force for the mentioned workers. ***The Committee therefore once again urges the Government to: (i) take the necessary measures, in consultation with the***

representative social partners, to reform its legislation in order to ensure the full recognition of the rights enshrined in this Convention for migrant and domestic workers; and (ii) provide information on the way in which these workers exercise in practice the rights set out in the Convention, including information on trade unions established and collective agreements concluded.

Articles 1 and 2 of the Convention. Adequate protection against acts of anti-union discrimination and interference. The Committee previously noted that beyond the general provisions found in article 43 of the Kuwaiti Constitution and section 46 of the Labour Law, national legislation did not provide adequate protection from anti-union discrimination and interference. The Committee notes that the Government indicates that section 119 of the Labour Law prohibits discrimination which leads to termination of service based on trade union membership or activity. The Committee observes, however, that section 119 concerns workers' exclusion or withdrawal from trade unions and not termination of their service by employers.

The Government further indicates that workers under the Labour Law enjoy protection from mistreatment, termination of service or conditions for employment as a result of their trade union affiliation, and that trade unions are also protected from interference from the Government in law and in practice. The Committee notes however that the legislation does not contain explicit provisions that: (i) protect workers against anti-union discrimination acts other than dismissals, such as using trade union affiliation as a cause for mistreatment during employment or as a condition at the time of recruitment; and (ii) protect workers and employers organizations against any acts of interference by each other, such as acts aiming to place workers' organizations under the control of employers or employers' organizations by financial or other means.

The Committee once again recalls that the Convention requires the adoption of specific legislative provisions in relation to anti-union discrimination and interference, which include sufficiently dissuasive sanctions and notes with ***regret*** the lack of progress by the Government in this regard. ***In view of the above, the Committee once again urges the Government to: (i) take all necessary measures to ensure that national legislation provides for the prohibition of and adequate protection from all acts of anti-union discrimination and interference; and (ii) ensure that there are adequate redress mechanisms and effective procedures in place to protect workers from acts of anti-union discrimination and interference. The Committee requests the Government to provide information on any progress in this respect.***

Article 4. Promotion of collective bargaining. Compulsory arbitration. The Committee notes the Government's indication that section 131 of the Labour Law, which gives the Ministry the right to unilaterally refer a dispute to a conciliation committee or arbitration board, is an exception used solely to ensure the functioning of public utilities and to protect the interests of society. The Committee reiterates that compulsory arbitration is acceptable only in cases of: (i) essential services, the interruption of which would endanger the life, personal safety or health of the whole or a part of the population; (ii) disputes involving public servants engaged in the administration of the State; (iii) the situation of a deadlock after protracted and fruitless negotiations; or (iv) an acute crisis (see the 2012 General Survey on the fundamental Conventions, paragraph 247). ***Duly noting the Government's indication that all provisions of the Labour Law are being examined in consultation with social partners, the Committee urges the Government to amend sections 131 and 132 of the Labour Law as well as other provisions allowing compulsory arbitration to ensure their full conformity with the above-mentioned principles and to provide information of any developments in this regard.***

Promotion of collective bargaining in practice. The Committee notes the Government's indication that 26 collective agreements have been concluded so far between 2003 to 2021 in the petroleum and petrochemicals sector. ***Recalling that the Convention applies to the private sector as a whole and to the public sector workers not engaged in the administration of the State, the Committee requests the Government to take effective measures to promote and encourage collective bargaining across all***

sectors covered by the Convention and to continue providing information on any collective agreements concluded, the sectors concerned and the number of workers covered therein.

Lebanon

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1977)

Previous comment

The Committee notes the observations of the General Confederation of Lebanese Workers (CGTL) received with the Government's report, which refer to matters addressed in the present comment.

2015 and 2016 observations of Education International. Wage increases through collective bargaining in the education sector. In its previous comments, the Committee had encouraged the Government to continue promoting collective bargaining to enhance the working conditions of teachers.

The Committee notes that the Government indicates that negotiations by trade unions led to a wage increase to US$600 per month in the public sector, and an increase in pensions in the private sector to 18 million Lebanese pounds (around US$200), both of which remain insufficient. The Committee further notes the CGTL's observation that wages should be negotiated with economic bodies to improve the salary basis which remains grossly low. ***Welcoming the information provided by the Government on the wage increase for public sector professors and pensioners in private education through negotiations with unions and associations, the Committee once again encourages the Government to continue to promote and strengthen collective bargaining, in law and in practice, to improve the working conditions of teachers in public and private sectors.***

Legislative amendments. Review of the Labour Code. The Committee had previously noted that a draft Labour Code was submitted to the Cabinet of Ministers in 2022 after consultations with employers and workers and that, according to the Government, one of its objectives was to address the issues raised by the Committee. The Committee notes the Government's indication that the draft Labour Code remains unapproved due to successive political, economic and social crises and that the draft law should be referred to the Cabinet of Ministers again once the new Government is formed. ***The Committee requests the Government to continue providing information on any developments on the adoption of the draft Labour Code and hopes the legislative reform will take its comments into consideration.***

Scope of application of the Convention. Domestic workers. In its previous comments, the Committee noted the Government's indication that the draft Labour Code proposed to amend sections 7 and 8 of the Labour Code to make foreign and Lebanese domestic workers alike subject to its provisions. It also observed that the procedures in force to address violations of domestic workers' individual rights did not refer to the possibility to join organizations and be represented by them. The Committee notes that the Government indicates that section 228 of the draft Labour Code read with section 229 allows foreigners who are licensed to work and reside in Lebanon to join a trade union as long as they are practising their profession at the time of submitting their application to join the trade union, have reached 18 years of age and have not been convicted of a felony or a heinous misdemeanour, but prohibit foreign workers from running for trade union elections. The Committee further takes note of the CGTL's observation that domestic workers should be included in the proposed draft Labour Code.

The Committee takes due note of the inclusion of sections 228 and 229 in the draft Labour Code allowing foreign workers to join trade union organizations of their choosing and to engage in collective bargaining. The Committee observes however that: (i) the legal incapacity of foreign workers to hold office in trade unions, even after a reasonable period of residence in the host country, may constitute an obstacle to the autonomous exercise of the rights recognized by the Convention, in particular the right to collective bargaining; and (ii) it has always emphasized the need to guarantee that minors who have reached the minimum legal age for admission to employment, both as workers and as apprentices,

can exercise their trade union rights. ***In view of the above, the Committee requests the Government to ensure that the new Labour Code, once adopted, guarantees the trade union rights of domestic workers, both Lebanese and foreign, so that they can fully exercise their right to collective bargaining as enshrined in the Convention. The Committee also requests the Government to take all necessary measures to ensure the enjoyment of these rights in practice, and once again requests the Government to provide information in this regard, including the names of relevant workers' organizations and the number of collective agreements concluded with domestic workers.***

Articles 4 and 6 of the Convention. Promotion of collective bargaining. In its previous comments, the Committee observed, on the basis of the draft Labour Code submitted by the Government, some issues of compatibility with the Convention, such as control by the authorities of the subject of collective bargaining previously agreed to by the parties (section 106), excessive quorum requirements for the validation of collective agreements (section 110) and the extension of collective agreements (sections 118 and 121).

Noting that the Government has not clarified the issues raised by the Committee in its previous comment**, **the Committee reiterates its request to the Government to engage in further consultations with the social partners to ensure that all provisions of the draft Labour Code, including those on collective bargaining, are in line with the Convention. Recalling the importance granted to the involvement of workers and employers in the process of extension by Paragraph 5(2)(c) of the Collective Agreement Recommendation, 1951 (No. 91), the Committee requests the Government to provide clarification on the concerns raised in relation to the extension of collective agreements and to provide further information on the special provisions and penalties regulating violations of collective agreements, referred to by the Government (section 128 of the draft Labour Code). The Committee reminds the Government that it may avail itself of ILO technical assistance in this regard.

Excessive restrictions on the right to collective bargaining. The Committee recalls that, based on the rules still in force in the country (sections 3 and 4 of Decree No. 17386/64 according to which employees' representatives must have the approval of at least 60 per cent of the Lebanese workers concerned to be able to negotiate and that a collective agreement must be approved by two thirds of the general assembly of trade unions party to the agreement), it has for many years been requesting the Government to ensure that a trade union which fails to secure an absolute majority is not denied the possibility of negotiating on behalf of its own members.

In its last comment, the Committee also noted the Government's indication that, under sections 108 and 110 of the 2022 draft Labour Code: (i) the discussion, amendment or cancellation of a collective agreement (but not its renewal without change) require workers' representatives to obtain the mandate of at least 51 per cent of members of the body; and (ii) the approval of a collective agreement by a two-thirds majority of the participants in a general meeting of the body is required, which brings together at least half of its members and associates.

With regard to article 108 of the draft Labour Code, the Committee requests the Government to clarify whether: (i) the vote referred to concerns only workers who are members of the trade union organization ready to enter into negotiations; (ii) this provision is also likely to apply to trade unions covering several undertakings or to sectoral trade unions; and (iii) article 108 applies to any trade union organization regardless of the percentage of workers in the bargaining unit who are members of it. The Committee also reiterates that article 110 should be amended so as not to impede the promotion of collective bargaining and not to hinder the autonomy of trade union organizations in this respect. The Committee requests the Government to provide information on any progress in this respect.

Right to collective bargaining in the public sector and the public service. The Committee previously noted the Government's indication that section 15 of the draft Labour Code provided that employers and workers at all establishments of all kinds are subject to the Labour Code and that public servants

are subject to their own system or special staff regulations. The Committee notes the Government's indication that section 14 of the draft Labour Code specifies the categories excluded from its scope, including public servants, salaried employees and contractors in public administrations, public administrative institutions, members of armed forces and educational bodies prescribed by their applicable regulations. The Committee recalls that all workers in the public sector who are not engaged in the administration of the State (such as employees in public enterprises, municipal employees and those in decentralized institutions, teachers in the public sector and personnel in the air transport sector) are covered by the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 172) and the right of such workers to bargain collectively should therefore be recognized. ***The Committee requests the Government to take all necessary measures to ensure that, either through the new Labour Code, when adopted, or through other pertinent normative instruments, public sector workers not engaged in the administration of the State are able to enjoy their right to collective bargaining and requests the Government to provide information on the exercise of this right in practice by public sector workers.***

Compulsory arbitration. In its previous comments, the Committee noted that Decree No. 13896 of 2005, replacing Decree No. 2952 of 1965, provided that all private and public sector investment enterprises charged with managing a public facility on behalf of the State or privately would be subject to section 47(a) of the Law of Collective Labour Contracts, Mediation and Arbitration (put into effect by Decree No. 17386 of 1964), imposing arbitration if mediation fails. The Committee notes the Government's indication that: (i) Decree No. 13896 of 2005 remains applicable for the resolution of disputes in certain institutions, namely, all public and private institutions of an investment nature entrusted with the management of a public facility for the benefit of the State or on its own; (ii) section 183 of the draft Labour Code of 2022 provides that arbitration and mediation shall be free and voluntary; and (iii) section 193 of the draft Labour Code of 2022 provides for recourse to arbitration if necessary when no agreement is reached. The Committee notes that the Government indicates that sections 197 and 202 of the draft Labour Code also provide for recourse to arbitration if mediation fails, but that in practice, no arbitration committee has been formed and that mediation is relied on in the majority of cases. The Committee further notes that sections 197 and 202 of the 2022 draft Labour Code do not seem to request the agreement of the two parties to have the dispute submitted to arbitration. ***Recalling once again that compulsory arbitration if parties have not reached an agreement is generally contrary to the principles of collective bargaining and is acceptable only in cases of: (i) essential services in the strict sense of the term; (ii) disputes involving public servants in the administration of the State; (iii) a deadlock after protracted and fruitless negotiations; or (iv) an acute crisis, the Committee requests the Government to ensure that the new Labour Code and Decree No. 13896 of 2005 are in line with the principles enshrined in the Convention.***

Collective bargaining in practice. The Committee had previously noted that the last collective agreement adopted was between the Association of Banks in Lebanon and the Federation of Unions of Bank Employees in Lebanon. The Committee notes that the Government indicates that collective bargaining occurs as follows: (i) at the sectoral level, in the banking (23,000 employees) and petrochemicals (285 employees) sectors; (ii) at the institutional level, in the port of Beirut with 190 employees, the American University Hospital with 4,000 employees and a company. It further notes the indication that collective bargaining is not widespread in Lebanon due to the reluctance of employers, social and political instability and the weakness of unions. ***Taking due note of this information and while being cognizant of the current situation in the country, the Committee encourages the Government to take measures to promote and strengthen collective bargaining in all sectors of the economy and requests it to continue providing information on the number of collective agreements concluded, the sectors and number of workers covered.***

The Committee reminds the Government that it can continue to avail itself of the technical assistance of the Office with regard to the draft Labour Code.

Lesotho

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1966)

Previous comment

Legislative developments. The Committee notes the entry into force of the Labour Act of 2024, which repealed the Labour Code.

Article 3 of the Convention. Right of workers' and employers' organizations to organize their activities and formulate their programmes. In its previous observation, the Committee noted that section 198F of the Labour Code granted specific advantages (access to premises to meet representatives of the employer to recruit members, to hold a meeting of members and to perform any trade union functions in terms of a collective agreement) to trade unions representing more than 35 per cent of employees, and that section 198G(1) of the Labour Code provided that only members of registered trade unions representing more than 35 per cent of the employees in enterprises employing ten or more employees were entitled to elect workplace union representatives. The Committee encouraged the Government to include in its revision of the Labour Code the consideration of measures to amend these provisions to ensure that workers' free choice of organization was not unduly influenced by such privileges. The Committee notes with ***satisfaction*** that the above-mentioned provisions were deleted, and that the above-mentioned rights are now granted to all trade unions (sections 114, 116 and 117 of the new Labour Act). The Committee notes, however, that section 115 of the Labour Act grants check-off facility only to a trade union which represents more than 35 per cent of the employer's workers. The Committee considers that workers should have the possibility of opting for deductions from their wages under the check-off system to be paid to trade union organizations of their choice, even if they are not the most representative. ***The Committee requests the Government to take all necessary measures to ensure that the Labour Act is amended accordingly and to provide information on all steps taken to that end.***

Articles 2, 3 and 5. Public officers' associations. The Committee previously noted that section 14(1)(b), (c) and (d) of the Societies Act required registered societies to supply to the Registrar-General, upon his or her order at any time, a list of office bearers and members of the society, the number and place of meetings held within the preceding six months, and such accounts, returns and other information as he or she thinks fit. The Committee expected that the review of the Public Service Act would be conducted in the near future and would ensure that organizations of public officers were exempted from the application of the above provisions and that their supervision was limited to the obligation of submitting periodic financial reports or where there were serious grounds for believing that the actions of an organization were contrary to its rules or the law. The Committee notes the Government's indication that the new Labour Act applies to public officers and its section 221 has the effect of exempting organizations of public officers from the application of the above-mentioned provisions of the Societies Act. The Committee notes with ***interest*** that by virtue of its section 3(1), the Labour Act applies to any employment relationship in the private and public services.

The Committee also requested the Government to provide information on the specific measures taken, within the framework of the labour law reform, to ensure that public officers were allowed to establish and join federations and confederations and to affiliate with international organizations. The Committee welcomes the Government's indication that, under the new Labour Act, public officers are no longer prohibited from establishing and joining federations and confederations and affiliating with international organizations. In this regard, the Committee observes with ***interest*** that sections 81 and 82 of the new Labour Act provide for these rights.

Penalties or imprisonment for trade union representatives upon failure to provide information required by the Registrar. The Committee notes with ***concern***, however, that failure by an applicant for registration to comply with a request for further information from the Registrar constitutes an offence and is

punishable by a fine and/or by imprisonment (section 75(8) of the Labour Act). Also punishable by a fine or imprisonment are: failure by a chairperson of a registered trade union or an employers' organization to notify an affiliation or establishment of a branch within three months (section 78); failure by an officer of a trade union or employers' organization to notify a location and postal address of a registered office, as well as the change thereof (section 90); and failure by the secretary and treasurer to supply annual returns or accounts (sections 94(4) and 98). ***Considering that sanctioning by imprisonment a failure to provide information within the specified time constitutes a serious infringement of the right of workers and employers to organize and of the right of such organizations to organize their administration, the Committee requests the Government to take necessary measures to amend the Labour Act so as to eliminate such penalties and to provide information on all steps taken to that end.***

Financial autonomy. Books of account. The Committee observes that sections 73(e) and 95(b) of the Labour Act concerning the inspection of the accounts of workers' and employers' organizations, as well as section 97 concerning the power to require a detailed written account of their funds "at any reasonable time where suspicion (or reasonable suspicion) of fraud exists" are drafted in a way that may not exclude a broad power of the Registrar to inspect the activities of trade unions. The Committee recalls that the supervision of the financial management of organizations should not go beyond the obligation to submit annual financial reports, and that the verification of accounts should only be carried out if there are serious grounds for believing that the actions of the organization are contrary to its rules or the law, or if a significant number of members file a complaint (see the 2012 General Survey on the fundamental Conventions, paragraph 109). ***The Committee requests the Government to take the necessary measures to amend the Labour Act to ensure that administrative authorities are only allowed to control and inspect the financial management of organizations in cases in which serious grounds of unlawful activity or the initiative of a significant number of members warrant such an intervention. The Committee requests the Government to provide information on all steps taken to that end.***

Right to elect trade union representatives in full freedom. The Committee notes that although, according to the national Constitution, the age of majority is 18 years, section 87(2) of the Labour Act provides that a person may not be a member of the executive committee or trustee of a trade union or employer's organization until he or she attains the age of 21 years. The Committee further notes that the Labour Act stipulates that: (i) no person shall hold the post of secretary or treasurer of a trade union, employers' organization or bargaining council if, in the opinion of the Registrar, he has not attained a standard of literacy sufficiently high for the effective performance of his duties (section 88(1)); and (ii) no person shall be an officer of a trade union, employer's organization or bargaining council if, within five years or less of his appointment to the post, he has been convicted of a crime involving fraud or dishonesty (section 88(2)). In this regard, the Committee recalls that it considers to be incompatible with the Convention the requirements that candidates for trade union office should have reached the age of majority, or be able to read and write (see the 2012 General Survey on the fundamental Conventions, paragraph 104). It also recalls that conviction for an act the nature of which is not such as to call into question the integrity of the person concerned and is not such as to be prejudicial to the performance of trade union duties should not constitute grounds for disqualification from trade union office (see the 2012 General Survey on the fundamental Conventions, paragraph 106). ***The Committee requests the Government to take the necessary measures to amend the above-mentioned provisions so as to fully guarantee the right of workers' and employers' organizations to freely elect their representatives.***

The Committee is raising other matters in a request addressed directly to the Government.

Liberia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1962)

The Committee takes note of the observations made by the International Trade Union Confederation (ITUC), received on 17 September 2024, deploring the lack of concrete steps taken by the Government to address the longstanding serious issues raised by the Committee on the application of the Convention. ***The Committee requests the Government to provide its comments in this regard.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the International Organisation of Employers (IOE), received on 1 September 2023, which reiterate the comments made at the discussion held in the Committee on the Application of Standards of the Conference (hereinafter the Conference Committee) in June 2023 on the application of the Convention by Liberia. It further notes the observations of the International Trade Union Confederation (ITUC), received on 1 September 2023 and referring to the issues addressed by the Committee below. While noting the Government's indication that there has been progress in the resolution of the frictions in the trade union movement in Liberia and, in particular, that with the election of a new leadership of the Liberia Labour Congress (LLC), supported by a majority of its member organizations, the labour dispute caused by the elections was being resolved, the Committee notes the ITUC's allegation of the Government's interference in the election process. ***The Committee requests the Government to reply to this serious allegation of violation of trade union rights.***

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, June 2023)

The Committee notes the discussion that took place in the Conference Committee in June 2023 concerning the application of the Convention. The Conference Committee, noting the long-standing nature and the prior discussion of the case, most recently in 2022, expressed its regret that the Government had not implemented its previous recommendations and requested it to take urgent steps, in full consultation with the social partners, to bring its law and practice into line with the Convention and in particular to: (i) ensure that all workers are able to exercise their labour rights under the Convention in an environment of respect for civil liberties, including the right to freedom of association, freedom of expression, peaceful assembly and protest without interference and fear for their personal safety and physical integrity; (ii) ensure that trade union leaders and members are not jailed for engaging in trade union activities and that threats against trade union leaders for their trade union activities are fully investigated and the perpetrators duly punished; (iii) put in place measures, including effective and sufficiently dissuasive sanctions, to ensure that trade unions can only be dissolved following due process and by a judicial authority only as a last resort; (iv) register the National Health Workers' Union of Liberia (NAHWUL) as a trade union organization without further delay and provide additional information to the Committee of Experts on any pending allegations; (v) review the Decent Work Act and any other related legislation to ensure that all workers are able to exercise the right to form or join a trade union of their choice and in particular, ensure that public sector workers and civil servants enjoy the rights and guarantees set out in the Convention; (vi) ensure that the rights enshrined in the Convention are afforded to maritime workers, including trainees, and that any laws or regulations adopted or envisaged cover this category of workers; and (vii) ensure that foreign workers are entitled to form and join unions of their own choosing in line with the Convention. The Conference Committee urged the Government to provide information to the Committee by 1 September 2023 on all the measures taken to implement these recommendations and to comply with its obligations under the Convention and on any developments in this regard. The Conference Committee also called on the Government to continue to avail itself of technical assistance from the Office and to accept a direct contacts mission.

The Committee recalls that it previously urged the Government to conduct an independent investigation into the allegations by the African Regional Organization of the ITUC (ITUC – Africa) denouncing the dissolution of a trade union by a state-owned company; the use of police force to break up peaceful strikes; and the arrest of union leaders and wrongful dismissal of workers for their participation in strike actions and that it requested the Government to provide information on the outcome. The Committee

further requested the Government to provide its comments on the ITUC's recurring allegations pertaining to the increasing intolerance towards workers exercising their civil liberties and rights under the Convention. The Committee notes the Government's indication that no trade union leaders are currently in the custody of the national security forces and that preventive measures have been taken. The Committee ***regrets*** that the Government does not indicate whether an independent investigation has been conducted into the above-mentioned allegations with a view to punishing the perpetrators, as requested by the Conference Committee. ***Noting with concern the ITUC's most recent observations denouncing the continuously shrinking space for the exercise of trade union rights, the Committee urges the Government to investigate all of the above-mentioned allegations and to provide detailed information on the outcome. The Committee requests the Government to provide detailed information on the nature and scope of the preventive measures it referred to in its report.***

Scope of application. The Committee previously requested the Government to grant full recognition to NAHWUL through the harmonization of the Decent Work Act 2015 and the Civil Servant Standing orders. In this respect, it requested the Government to provide specific information on developments regarding the creation of a framework for the harmonization of the Decent Work Act and the Civil Service Standing orders for the enjoyment by public sector workers of the rights enshrined in the Convention. The Committee notes the Government's indication that there was a sequence of meetings scheduled with legislators, beginning 31 August 2023, to facilitate the creation of exemptions through amendments of the Decent Work Act that would grant both NAHWUL and the National Teachers Association in Liberia recognition. The Committee notes the ITUC's allegation that there has been no progress with the harmonization of the law to ensure the right of civil servants and public servants to form or join a trade union. ***Recalling that all workers, with the sole possible exception of the police and the armed forces, are covered by the Convention, the Committee reiterates its previous request and expects that necessary measures will be taken to that end without further delay. The Committee therefore once again urges the Government to harmonize the Decent Work Act and the Civil Servant Standing orders in order to enable NAHWUL to register as a trade union organization and grant it full statutory recognition in law and in practice without further delay, in accordance with the Committee's previous request and the most recent call to this effect by the Conference Committee, and expects the Government to provide detailed information on the developments, including any legal measures adopted or envisaged in this respect.***

Article 1 of the Convention. Right of workers, without distinction whatsoever, to establish organizations. The Committee previously noted that section 1.5(c)(i) and (ii) of the Decent Work Act excludes from its scope of application, maritime workers, including trainees, and requested the Government to provide information on the application of the rights enshrined in the Convention for such workers and on any laws or regulations adopted or envisaged covering this category of workers. ***The Committee reiterates its deep regret at the lack of information in this respect and firmly expects that the Government's next report will contain the relevant information.***

The Committee recalls that it previously requested the Government to amend section 45.6 of the Decent Work Act to guarantee foreign workers their right to work, and that, having taken note of the Government's indication that discussions had been opened with existing foreign workers' bodies with regards to their rights to organize and defend their occupational interest, the Committee requested the Government to provide information on the outcome of the discussions. The Committee notes the Government's indications that there were no requests received in connection with trade unions for foreign workers or any complaints made to the Government regarding the refusal of existing unions to admit such workers. ***Noting with regret that the Government provides no information pertaining to the discussions which it previously indicated it had commenced or regarding any legislative measures taken to guarantee foreign workers the right to organize, the Committee expects the Government to take the necessary measures, in the near future, including through the amendment of section 45.6 of the Decent Work Act, to fully guarantee, in law and in practice, foreign workers their right to organize. The Committee requests the Government to inform it of developments in this regard.***

Article 3. Determination of essential services. The Committee previously requested the Government to provide information on how the designation of essential services by the National Tripartite Council operates in practice, to clarify whether the President is also bound by the definition of the notion of essential services set out in section 41.4(a) of the Decent Work Act (services the interruption of which would endanger the life, personal safety or health of the whole or any part of the population of Liberia), and to provide information

on any presidential decisions concerning the designation of essential services and how such designation operates in practice. The Committee notes the ITUC's indication that, although according to section 4.1 of the Act, recommendations by the National Tripartite Committee inform the designation of certain services as essential, the final decision on such designation is taken by the President who is not bound by the recommendations of the National Tripartite Committee. ***Noting with regret that the Government provides no information in this regard, the Committee reiterates its previous request and expects the Government to provide the relevant information.***

Noting the Government's indication that it avails itself of the offer of ILO technical assistance, the Committee expects that all of the above-mentioned issues will be addressed without further delay so as to bring the national law and practice into full conformity with the Convention. Like the Conference Committee, the Committee calls on the Government to accept a direct contacts mission.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1962)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations made by the African Regional Organisation of the International Trade Union Confederation (ITUC-Africa), received on 31 August 2021, alleging acts of anti-union discrimination and interference in trade union internal affairs by a state-owned company and its refusal to bargain collectively. ***The Committee requests the Government to provide its comments in this regard.***

Scope of the Convention. In its previous comments, the Committee had noted that section 1.5(c)(i) and (ii) of the Decent Work Act of 2015 (the Act) excluded from its scope of application work covered by the Civil Service Agency Act. Furthermore, the Committee had noted the Government's indication in 2012 that the legislation guaranteeing the right of collective bargaining of public servants and employees in state enterprises (Ordinance on the public service) was under revision with the technical assistance of the Office, and had requested it to provide information on any developments in this regard. The Committee notes that the Government acknowledges that the Act does not cover workers in the mainstream public sector and indicates that a national labour conference was convened in 2018 to create a framework for the harmonization of the Act and the Civil Service Standing Orders. ***Recalling that all workers, except the armed forces and the police, as well as public servants engaged in the administration of the State, are covered by the Convention, the Committee expresses the firm hope that the legislation will soon be brought into conformity with the Convention and requests the Government to provide information on developments in this regard.***

The Committee had also noted that section 1.5(c)(i) and (ii) of the Act also excludes from its scope of application, officers, members of the crew and any other persons employed or in training on vessels. The Committee had therefore requested the Government to indicate how the rights enshrined in the Convention apply to these workers, including any laws or regulations, adopted or envisaged, covering them. The Committee notes the Government's indication that Liberia's Maritime Regulations 10-318.3 incorporate by reference the terms of the Maritime Labour Convention (MLC) as inherent parts of the conditions of work on flagged vessels and that a further review of how these provisions are applied in practice is planned in line with the report on the MLC, which is due in 2022. ***Noting that Liberia's Maritime Regulations 10-318.3 refers to shipboard living conditions and recreational facilities, the Committee requests the Government again to detail how, both in law and in practice, the rights enshrined in the Convention are ensured to maritime workers.***

Article 1 of the Convention. Adequate protection against anti-union discrimination. In its previous comment, the Committee had noted the various provisions of the Act that guarantee the protection against acts of anti-union discrimination. The Committee had requested the Government further information on the sanctions applied in cases of acts of anti-union discrimination and to provide statistics on the number of cases of discrimination examined, the duration of the procedures and the type of penalties and compensations ordered. The Committee notes the Government's indication that the Ministry ruled in favour of the workers in the three cases of anti-union discrimination brought up during the period under review

and ordered the reinstatement of the workers. While noting that section 14.10 of the Act provides for dissuasive sanctions in the event of termination of employment due to violations of the worker's or the employer's rights under the Act, including the possibility for Ministry or court to order the reinstatement of the worker, the Committee recalls that adequate protection against acts of anti-union discrimination should not be confined to penalizing dismissal on anti-union grounds, but should cover all acts of anti-union discrimination (demotions, transfers and other prejudicial acts) at all stages of the employment relationship, regardless of the employment period, including at the recruitment stage. ***The Committee requests the Government to take, after consultation with the representative organizations of workers and employers, necessary legislative and regulatory measures to guarantee the application of sufficiently dissuasive penalties against all acts of anti-union discrimination. It also requests the Government to continue to provide detailed statistics on the number of complaints of anti-union discrimination received by the relevant authorities, the average duration of the proceedings and their outcome, and the types of remedies and sanctions imposed in those cases.***

Article 2. Adequate protection against acts of interference. The Committee recalls that for many years it has been requesting the Government to take measures to introduce in the legislation provisions guaranteeing adequate protection for workers' organizations against acts of interference by employers and their organizations, including sufficiently effective and dissuasive sanctions. The Committee notes the Government's indication that the Ministry of Labour has issued directives against interference with the activities of workers' organizations and that it desires to ensure that the workers and employers' interests coexist harmoniously. ***The Committee requests the Government to provide a copy of the Ministry of Labour's directives against interference in trade union's activities. Furthermore, noting the observations made by the ITUC alleging acts of interference, and recalling the importance of the effective prohibition by the national legislation of all of the acts of interference covered by Article 2, the Committee once again requests the Government to take the necessary measures to include in the relevant legislation provisions explicitly prohibiting acts of interference and providing for sufficiently dissuasive sanctions and rapid and effective procedures against such acts.***

Article 4. Promotion of collective bargaining. The Committee had noted that, under the Act, trade unions that represent the majority of the employees in an appropriate bargaining unit are able to seek recognition as exclusive bargaining agents for that bargaining unit (section 37.1(a)), and that if the trade union no longer represents this majority, it must acquire a majority within three months, otherwise, the employer shall withdraw recognition from this trade union (section 37.1(k)). The Committee recalled that while it is acceptable that the union which represents the majority or a high percentage of workers in a bargaining unit should enjoy preferential or exclusive bargaining rights, it considers that, if no union reaches the required majority to be designated as a bargaining unit, minority unions should be given the possibility to bargain collectively, jointly or separately, at least on behalf of their own members. The Committee therefore requested the Government to indicate whether, if no union represents this majority the minority unions in the same unit enjoy collective bargaining rights, at least on behalf of their members. ***In the absence of information from the Government in this respect, the Committee reiterates its request.***

Settlement of disputes affecting national interest. The Committee had noted that section 42.1 of the Act underlined prerogatives of the President, Minister and National Tripartite Council with regard to disputes affecting the national interest. The Committee had requested the Government to provide additional information regarding those prerogatives, and to indicate the extent to which section 42.1 of the Act provides the parties with complete freedom of collective bargaining and does not alter the principle of voluntary arbitration. The Committee notes the Government's information that while the Ministry has not formally classified any dispute addressed since the advent of the Act as a dispute affecting the national interest, the process of voluntary arbitration is being protected in all disputes. ***In the absence of a response with regard to the exercise of the prerogatives granted to the public authorities by section 42.1 of the Act, the Committee reiterates its request.***

Collective bargaining in practice. ***The Committee requests the Government to provide information on the number of collective agreements signed and in force in the country and to indicate the sectors and levels concerned as well as the number of workers covered.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Madagascar

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1960)

Previous comment

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, June 2023)

In its previous comment, the Committee requested the Government to report any progress achieved in the implementation of the conclusions of the Conference Committee on the Application of Standards (Conference Committee). The Committee recalls that in June 2023 the Conference Committee requested the Government to:

- take all necessary steps in order to ensure that the new Maritime Code guarantees to seafarers the right to freely establish and join organizations of their own choosing without previous authorization;
- organize as soon as possible the elections for the designation of workers' representatives;
- refrain from intervening in the activities of workers' and employers' organizations, including in the designation process of their representatives in the various social dialogue bodies;
- ensure that unilateral recourse to compulsory arbitration as a way to avoid free and voluntary collective bargaining is employed only in very limited circumstances and take the necessary measures to amend sections 220, 225 and 228 of the Labour Code to bring them into conformity with the Convention;
- immediately and unconditionally quash the conviction of Mr Zotiakobanjinina Fanja Marcel Sento;
- refrain from using the criminal law to target trade unionists;
- amend all provisions of the Criminal Code hindering the right to freedom of association of workers and employers; and
- provide a copy of the Maritime Code once adopted and detailed information to the Committee of Experts before 1 September 2023 on the outcome of any meeting concerning allegations of anti-union acts in the maritime sector, on any developments in the adoption of the Maritime Code and on the factors that have prevented the holding of elections for staff representatives since 2015.

The Committee notes the information provided by the Government on these matters, to which it refers below in the context of its examination of the points raised in its previous comments. The Committee also takes note of Law 2024-014 of 14 August 2024 on the Labour Code.

Trade union rights and civil liberties. The Committee previously urged the Government to take the necessary measures to quash the conviction of Mr Zotiakobanjinina Fanja Marcel Sento to a sentence of imprisonment for having posted on social media the results of meetings held with the management of an enterprise in the textile sector in the course of the performance of his trade union functions. The Committee notes with ***deep concern*** that the Government's report does not contain any information on the action taken in this regard, and instead emphasizes that Mr Sento's prison sentence is not related to his status as a trade union leader. Under these conditions, the Committee once again firmly recalls that the resolution concerning trade union rights and their relation to civil liberties adopted by the Conference in 1970 reaffirms the essential link between civil liberties and trade union rights, which was already emphasized in the Declaration of Philadelphia (1944), and enumerates the fundamental rights that are necessary for the exercise of freedom of association, which include: the right to freedom and security of person and freedom from arbitrary arrest and detention; freedom of opinion and expression and in particular freedom to hold opinions without interference and to seek, receive and impart

information and ideas through any media and regardless of frontier; and the right to a fair trial by an independent and impartial tribunal (see the 2012 General Survey on the fundamental Conventions, paragraph 59). ***The Committee once again urges the Government to take the necessary measures to immediately and unconditionally quash the conviction of Mr Zotiakobanjinina Fanja Marcel Sento.***

Article 2 of the Convention. Workers governed by the Maritime Code. The Committee previously noted that a new Maritime Code was to be adopted and requested the Government to ensure that it provided for the right of seafarers to establish and join trade unions. The Committee notes the ratification in 2023 of the Maritime Labour Convention, 2006, in its amended version (MLC, 2006), and the Government's indication that the draft Maritime Code has been referred to the Council of Ministers for adoption. ***The Committee requests the Government to provide a copy of the adopted Maritime Code and to indicate the specific provisions setting out the right of seafarers to establish and join trade unions.***

Articles 2 and 3. Right to organize and free exercise of trade union activities. In its previous comments, the Committee noted the observations of the Christian Confederation of Malagasy Trade Unions (SEKRIMA) concerning allegations of restrictions on the right to organize, and the allegations of the International Trade Union Confederation (ITUC) that the right to organize is not fully guaranteed and that the legal provisions on the election of staff representatives are ineffective. The Committee also previously requested the Government to provide explanations concerning the absence of elections of staff representatives since 2015 and the measures taken to ensure the effective application of the legislation on the promotion of trade union rights (sections 136 et seq. of the Labour Code and Decree No. 2011-490 and its implementing order No. 28968-2011). The Committee notes the Government's indications that: the application of these texts requires the adoption of orders on representativeness, and the adoption of the last order on representativeness was suspended due to the COVID-19 pandemic, and the adoption of a new representativeness order for the period 2022–24 is under way, following the receipt of the reports on the election of staff from the labour inspection services. However, the Committee notes that the period 2022–24 is coming to an end and that the Government had already indicated during the discussion in the Conference Committee that a representativeness order was to be published in June 2023. ***The Committee therefore requests the Government to provide information on the procedures for the adoption of the new representativeness order***.

Representativeness of workers' and employers' organizations. In its previous comments, the Committee requested the Government to provide its comments on the serious allegations made by the General Confederation of Workers' Unions of Madagascar (FISEMA) concerning the unilateral changing of the names of its representatives by the Government, and by the Randrana Sendikaly Alliance that the Ministry of Labour: (i) refused to validate the result of the staff delegate elections in favour of the Alliance in an enterprise in the sugar industry; (ii) encourages candidates who are not members of trade union organizations to occupy trade union posts; and (iii) unilaterally appointed new administrators in the National Social Welfare Fund. The Committee notes that the Government denies that it modified unilaterally the names of the FISEMA representatives, indicating that this issue arose from an internal dispute in the union, which first sent the Ministry of Labour two separate proposed nominations, before sending a third common proposal, on which the appointment was then based. While noting this information, the Committee observes that, according to the FISEMA, the matter was referred to the Council of State, which ruled in favour of the FISEMA. The Committee also notes that the Government does not reply to the allegations of the Randrana Sendikaly Alliance. The Committee accordingly reminds the Government that it must refrain from interfering in the activities of workers' and employers' organizations, including in the process of the designation of their representatives on the various social dialogue bodies. ***The Committee therefore requests the Government to respond to the allegations of the Randrana Sendikaly Alliance, provide information on the holding of elections for the designation of workers' representatives and on the process for the appointment of representatives of workers and employers on the various social dialogue bodies. The Committee also refers in this regard to its***

comments adopted in 2023 on the application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Compulsory arbitration. The Committee previously urged the Government to take the necessary measures to amend sections 220, 225 and 228 of the Labour Code, which provide that if mediation fails, the collective dispute shall be referred by the Ministry of Labour and Social Legislation to an arbitration procedure, whose award brings an end to the dispute and the strike, and which provide for the possibility of requisitioning striking employees in the event of the disruption of public order. The Committee notes that the aforementioned articles were amended as part of the reform of the Labour Code enshrined in Act No. 2024-014 of 14 August 2024. In this respect, the Committee notes with ***interest*** that: (i) the matter may only be referred directly to the arbitration body by the local Inspector of Labour and Social Legislation if the collective dispute concerns one of the essential services in the strict sense of the term or in the event of an acute national crisis (new section 288); and (ii) with regard to the possibility of requisitioning striking employees, the condition of "disruption of public order" has been replaced by that of "acute national crisis" (new section 296). While welcoming these improvements, the Committee notes that although recourse to compulsory arbitration to put an end to a collective labour dispute can no longer be imposed by the public authorities on their own initiative, the wording of new section 288 does not rule out recourse to arbitration at the request of only one of the parties, which remains incompatible with the Convention. ***In light of the above, the Committee requests the Government to take the necessary steps to amend new section 288 to ensure that recourse to compulsory arbitration, outside cases where strikes can be limited or even prohibited, is only possible if both parties to the dispute so agree.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1998)

Previous comment

The Committee notes the observations of General Confederation of Workers' Unions of Madagascar (FISEMA), received on 31 August 2024, concerning questions of representativeness of trade union organizations at the national and regional level. ***The Committee requests the Government to provide its comments in this regard.*** The Committee also notes Act No. 2024-014 of 14 August 2024 issuing the Labour Code.

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. The Committee previously requested the Government to comment on the observations of the Autonomous Trade Union of Labour Inspectors alleging anti-union discrimination measures against its members following a strike. The Committee notes the Government's general indication that the transfer decisions taken against striking inspectors have not been implemented and that if persons have been assigned to new posts, this is unrelated to any sanction. In the absence of further information brought to its attention, the Committee reminds the Government that, when allegations of acts of anti-union discrimination are brought to its attention, it must ensure that the events reported are the subject of investigation by the public authorities and, if acts of anti-union discrimination have been committed, they will give rise to full compensation for the damage suffered and to the imposition of penalties that constitute an effective deterrent. In this regard, the Committee notes the provisions of section 353 of the Labour Code, which now provide for specific penalties in the event of violations of the Labour Code relating to freedom of association (a fine of 1 to 4 million Malagasy ariary, doubled in the event of a repeat offence and accompanied in this case by a prison term of one to six months). ***In light of the above, the Committee requests the Government to provide detailed information such as reports or findings of investigations carried out by the public authorities following the strike, any reassignments made, as well as any subsequent communications from the trade union concerned.***

In its previous comments, the Committee noted that the Government's indication that it did not know the exact number of anti-union discrimination cases examined by the regional labour services and the labour courts. In this regard, the Committee notes that, in its reply to the observations of the Christian Confederation of Malagasy Trade Unions (SEKRIMA) and the International Trade Union Confederation alleging acts of anti-union discrimination, the Government acknowledges that it does not currently have a sufficiently effective data collection system, but does not, however, deny the persistence of the alleged acts. ***Recalling the fundamental importance of ensuring effective protection against anti-union discrimination, the Committee once again requests the Government to take the necessary measures to gather the requested information on the number of cases of anti-union discrimination examined by the labour inspection services and the labour courts, as well as the penalties imposed in those cases. The Committee also requests the Government to provide information on the application in practice of the provision of section 353 of the Labour Code.***

Articles 1, 2, 4 and 6. Public servants not engaged in the administration of the State. In its previous comments, the Committee underlined the need to adopt formal provisions clearly recognizing the various protections established by the Convention of all public servants and public sector employees not engaged in the administration of the State. The Committee noted that a draft General Statute on Public Servants and a draft General Statute on contractual public employees were being drawn up. The Committee notes that the Government emphasizes that this process of legislative reform was interrupted, notably by the electoral timetable, but that it can now resume, and that the Office's technical assistance is requested in this regard. ***The Committee expects that the above-mentioned draft legislation will be adopted in the near future and will contain provisions providing for protection against anti-union discrimination and interference and the right to collective bargaining for all civil servants and public sector employees not engaged in the administration of the State, in accordance with the Convention. The Committee requests the Government to provide information on any progress made in this respect.***

Article 4. Promotion of collective bargaining. Collective bargaining in sectors subject to privatization. The Committee previously noted the information provided by the Government on the situation of collective agreements in the energy sector, particularly that of the Malagasy Electricity and Water Company (JIRAMA), and the observations of SEKRIMA alleging that privatizations have resulted in the collective agreements in force being discarded. With regard to JIRAMA, the Committee notes that the draft collective agreement was submitted to the labour inspectorate and the Antananarivo Labour Court in October 2022. ***The Committee requests the Government to provide up-to-date information on the status of this collective agreement in the energy sector, as well as on the steps taken or envisaged to promote the full use of collective bargaining mechanisms in privatized sectors, and to provide information on any progress made in this regard.***

Collective bargaining for seafarers. In its previous comments, the Committee noted that the Labour Code excluded maritime workers from its scope of application and expressed the expectation that the new Maritime Code would recognize for these workers the rights enshrined in the Convention. The Committee notes the Government's reiteration that the draft reform of the Maritime Code will be submitted for adoption by Parliament before the end of 2024. ***Noting that Act No. 2024-014 of 14 August 2024 issuing the Labour Code excludes from its scope workers governed by the Maritime Code (section 1), and recalling that the Government has been referring to the draft Maritime Code since 2008, the Committee expects that the Code will be adopted in the near future and that it will contain provisions giving full effect to the Convention in respect of maritime workers. The Committee requests the Government to provide information on any developments in this regard, as well as a copy of the Maritime Code as soon as it is adopted.***

Promotion of collective bargaining in practice. The Committee takes note of the summary information provided by the Government based on the activity reports provided by certain regional inspectorates. ***The Committee requests the Government to indicate in its next report the number of***

collective agreements concluded in the country, the sectors concerned and the number of workers covered by these agreements.

Malaysia

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1961)

Previous comment

The Committee notes the response of the Government to the 2022 Observations of the National Union Bank Employees (NUBE) concerning, to a large extent, issues considered by the Committee on Freedom of Association in Case No. 3401.

Legislative reform. The Committee previously noted the comprehensive technical assistance provided by the Office in the context of the Labour Law and Industrial Relations Reform project (2016–26). It also noted the conclusions of the Committee on the Application of Standards of the International Labour Conference (Conference Committee) in 2022, requesting the Government to amend without delay the national legislation to bring it into conformity with the Convention. In this respect, the Committee welcomes the information provided by the Government about the coming into force, on 15 September 2024, of several amendments to the Industrial Relations Act (IRA), the Industrial Relations Regulations, the Trade Unions Act (TUA) and the Trade Union Regulations.

Article 1 of the Convention. Adequate protection against anti-union discrimination. In its previous comment, the Committee noted the observations by the International Trade Union Confederation (ITUC) on ineffective remedies for anti-union discrimination and lengthy procedures. The Committee also noted that the Conference Committee in 2022 requested the Government to ensure, in law and practice, adequate protection against anti-union discrimination, including through effective and expeditious access to courts, adequate compensation and the imposition of sufficiently dissuasive sanctions.

The Committee notes from the information provided by the Government that the majority of cases filed in 2023 under section 8 of the IRA (concerning anti-union discrimination) were resolved at the Industrial Relations Department, that the conciliation and mediation procedure at the Industrial Relations Department facilitates the expeditious settlement of cases, and that cases referred to the Industrial Court might involve a lengthy procedure. It notes however with ***regret*** that the Government has not provided the requested information on the outcome and duration of the procedures concerning anti-union discrimination cases. In this respect, the Committee also notes with ***regret*** that despite the recent legislative amendments, no changes have been made to section 8 of the IRA, which provides for discretionary powers of the Director-General of Industrial Relations to refer or not a complaint on anti-union discrimination to the Industrial Court, without the workers having the right to access the courts directly. ***The Committee once again recalls that effective protection against acts of anti-union discrimination requires rapid and effective procedures and remedies through reinstatement and adequate compensation, as well as sufficiently dissuasive sanctions. In this respect, the Committee requests the Government to provide information on: (i) the number of cases of anti-union discrimination filed and pending under section 8 of the IRA (concerning anti-union discrimination), and sections 20 and 59 of the IRA (concerning anti-union dismissals); (ii) the outcome of these proceedings, including the remedies provided (such as compensation, reinstatement and penalties imposed); and (iii) the duration of cases dealt with by the Industrial Relations Department, the Industrial Court and other courts. It also once again urges the Government to take the necessary measures to ensure that workers who are victims of anti-union discrimination have the right to directly lodge a complaint before the courts, and to provide information on the criteria followed by the Director-General of Industrial Relations to determine the actions to take in the treatment of anti-union discrimination***

cases, including to refer or not the matter to the courts. In this context, it also recalls its recommendation to consider the reversal of the burden of proof once a prima facie case is made.

Articles 2 and 4. Trade union recognition for the purposes of collective bargaining. Criteria and procedure for recognition. The Committee noted that the Conference Committee in 2022, having observed the concerns expressed during the discussions concerning ongoing challenges including instances of undue interference during the procedure, requested the Government to ensure that effective protection against undue interference is adopted and that the procedure for trade union recognition is simplified.

The Committee notes the Government's reference to improvements in the recognition procedure. In this respect, it notes with ***satisfaction*** the coming into force of a number of amendments, including: (i) the removal of several provisions in the TUA, that provided for the possibility to refuse registration of a trade union in respect of a particular establishment, trade, occupation or industry, where another trade union exists, thereby allowing for the plurality of trade unions, and (ii) the removal of the restrictive definition of trade unions, pursuant to which workers employed in different industries were prohibited from establishing a single union or joining the same organization. Moreover, it notes that, in conformity with the provisions in the IRA and the Industrial Relations Regulations that have now come into force, the Director-General of Industrial Relations is competent to take a decision based on the conduct of a secret ballot in the following cases: (i) claims concerning the recognition of a trade union in the event that an employer refuses recognition (section 9(4)(A) of the IRA); (ii) applications concerning the recognition of the sole bargaining right to represent a group of workers, in the event that an employer has granted recognition to more than one trade union, and that there is no agreement between the trade unions as to which trade union shall exercise that right (section 12(A) of the IRA). The Committee notes the Government's information, in response to its request on the application in practice of the recognition procedure, that 116 cases were handled by the Department of Industrial Relations, of which 96 were resolved. It notes however that the Government has not provided the requested information on whether recognition was granted (or not granted) in relation to these cases. Concerning the Committee's reiterated request to ensure effective protection against undue interference in the recognition process, the Committee notes with ***regret*** that the Government limits itself to referring, once again, to the possibility to raise complaints with the Director-General of Industrial Relations (under sections 4, 5, 7 and 8 of the IRA), and that it does not provide information on any such claims that have been successfully brought, or on the measures taken, such as any competences entrusted to the Department of Industrial Relations or other competent authorities, to prevent and address, at their own initiative, acts of interference that may take place during the recognition process. ***Recalling that the recognition processes should provide safeguards to prevent acts of employer interference, the Committee once again requests the Government to provide information on any specific measures taken to prevent or repress acts of interference during the recognition process. It also requests the Government to specify whether any claims were actually brought against employer inference during the recognition procedure under sections 4, 5, 7 and 8 of the IRA, and provide information on their outcome. It once again requests the Government to provide detailed information on the application in practice of the recognition procedures (under sections 9(4)(A) and 12(A) of the IRA), including as regards the number of processes for trade union recognition filed and those that remain pending, and their outcome (i.e. the number of recognitions granted or not granted, specifying the reasons for these decisions).***

Duration of recognition proceedings. The Committee recalls its reiterated request, in light of the discussions in the Conference Committee in 2022 and a considerable number of cases considered by the Committee on Freedom of Association over the years, to ensure that that the duration of the recognition process is reasonable. Having previously noted that the average duration of the recognition procedure at the Department of Industrial Relations was four to nine months, and that a decision of recognition may be appealed before the courts, the Committee notes that the Government does not

provide any up-to-date information on the duration of the recognition procedure, especially as regards those cases that were subject to an appeal before the courts.

In this context, the Committee observes that the Committee on Freedom of Association examined the issue of administrative and judicial delays in the context of challenges to the recognition of a union by an employer, in Case No. 3414 and referred the legislative aspect of this case to it (401st Report, March 2023, paragraph 595). Concerning potential delays as a result of certain particularities in the recognition procedure, the Committee notes with ***interest*** the removal of the possibility of a "competency" check of a trade union seeking recognition (see mainly former sections 9(4)(A)(a) and 9(4)(B)(b) of the IRA). It notes however that the Committee on Freedom of Association observed that disagreements on the meaning of the terms of section 9(1) of the IRA (which was not amended and prohibits the representation of workers employed in managerial, executive, confidential and security capacities together with other workers in a bargaining unit), had entailed excessively long administrative and judicial procedures under section 9(1)(A) of the IRA on the question of whether workers were entitled to vote in the secret ballot. Noting that section 5(2)(b) and (c) of the IRA gives the right to employers to require a worker promoted to a managerial, an executive or a security position to cease membership of a trade union (except as in unions representing those categories of workers), the Committee also recalls that the NUBE, in its 2022 Observations alleges pseudo-promotions of their members to managerial positions to restrict union membership. In respect of the above, the Committee observes that there are no provisions providing for any definition of the categories under section 9(1) of the IRA but that the question of whether a particular occupation falls into any of the above-mentioned categories is a matter to be determined by the Director-General of Industrial Relations, and that a relevant decision can be appealed before the courts. While recalling that these categories of workers are covered by the Convention, the Committee stresses that the exclusion of managerial and executive staff from the vote concerning the recognition of a trade union should be limited to those persons who genuinely represent the interests of the employer to avoid any risks of interference by the employer. As a result, the determination of the categories, aimed at avoiding any risks of interference by the employer, should be limited to those persons who genuinely represent the interests of the employer. As a result, the determination of the categories of workers excluded from the vote should be expeditious and the possibilities for the employer to challenge the decision strictly delimited and swiftly examined so that the said determination does not become an obstacle to the exercise of the right to collective bargaining. ***The Committee once again firmly expects the Government to take measures to ensure that the administrative and judicial proceedings for the recognition of trade unions for the purpose of collective bargaining are reasonable. In this respect, it requests the Government to provide detailed information on the duration of the recognition proceedings, under sections 9(4)(A) and 12(A) of the IRA, including those that were treated administratively by the Department of Industrial Relations and those that were appealed and dealt with by the courts, with particular information as regards the number and duration of complaints filed and treated under section 9(1)(A) of the IRA. The Committee requests the Government to provide information on the impact of the recent legislative amendments on the duration of the recognition procedure, and to further review the legal framework governing the procedure for recognition of unions for collective bargaining purposes, including as regards the above-mentioned issues in relation to section 9(1)(A) of the IRA, with a view to significantly simplifying and expediting the administrative and judicial processes.***

Exclusive bargaining rights. Minority unions. The Committee notes that the IRA and the Industrial Relations Regulations, as amended, require: (i) for a trade union seeking recognition in the event that an employer refuses recognition: a simple majority of votes cast by not less than half of the total number of workers entitled to vote (see section 2(1)(a) and 11 of the Industrial Relations Regulations); and (ii) for a trade union seeking sole bargaining rights: to obtain the highest number of votes (see section 12(A)(2), (3) and (4) of the IRA and section 2(1)(b) of the Industrial Relations Regulations). The Committee welcomes certain amendments to the formula in section 2(1)(a) and 11 of the Industrial Relations

Regulations for a trade union seeking recognition (as regards the mode of calculation, namely the division in the number of votes in favour of a union by the number of votes cast, instead of, as in the former version, a division by the number of votes in favour of a union by the number of workers entitled to vote). It considers however that the new formula still requires broad support by the workers in a bargaining unit, which might be difficult to achieve. ***As highlighted in its previous comments***, ***the Committee therefore requests the Government, to take, in consultation with the social partners, measures to ensure that, in situations where no union is declared the exclusive bargaining agent, all unions in the unit are able to negotiate, jointly or separately, at least on behalf of their own members. The Committee requests the Government to provide information in this respect.***

Migrant workers. The Committee notes the reiterated indications of the Government that foreign workers are eligible to hold office upon approval of the Minister of Human Resources if it is in the interest of such a union and should the circumstances request as such. It also notes the Government's reference to a schoolteachers' union as an example of a trade union with most officers being non-Malaysian citizens. However, the Committee notes with ***regret*** that despite its reiterated requests, section 28(1)(a) of the Trade Union Act still provides that a person who is not a citizen of the Federation of Malaysia may not be elected to be a member of the executive entity of a trade union, unless the Minister of Human Resources considers that this is necessary for the representation of persons or interests of persons not residing within the Federation of Malaysia. ***Recalling that the requirement of prior approval of the Minister of Human Resources for foreign workers to hold trade union office may hinder the right of trade unions to freely choose their representatives for the purpose of collective bargaining, the Committee once again requests the Government to take the necessary legislative measures to ensure that foreign workers are able to run for trade union office without prior authorization.***

Scope of collective bargaining. In its previous comments, the Committee noted that section 13(3) of the IRA provides for restrictions on the inclusion of subject matters in collective agreements relating to: (a) promotions; (b) transfers; (c) appointment of workers in case of vacancies; (d) termination of services due to redundancy; (e) dismissal, reinstatement; and (f) assignment or allocation of work. It also noted that the same section provides that trade unions can raise questions of a general character in relation to these matters.

The Committee notes the Government's reiterated indications, in response to the Committee's request, that section 13(3) is not compulsory and that if both parties agree, they may negotiate and include those matters in relevant collective agreements. The Government further contests the ITUC's previous observation that section 13 of the IRA permits employers to dismiss questions of a general character raised by trade unions, and it indicates that in the event of a dispute on this matter, the aggrieved party may file a complaint under section 18 of the IRA as a trade dispute. The Government also indicates that the Department of Industrial Relations has not received any complaints regarding questions of a general character under section 13(3) of the IRA, and that the Department does not currently have data on the number of collective agreements that include the above-mentioned subject matters as this matter has not been specifically analysed. Taking due note of the above-mentioned indications, the Committee nevertheless observes that there appears to remain legal uncertainty on the practical application of section 13(3) of the IRA and its effect on the scope of negotiable issues. ***The Committee reiterates its invitation to the Government to consider lifting the broad legislative restrictions on the scope of collective bargaining, so as to promote the right to bargain freely between the parties, without any intervention by the Government. It once again requests the Government to provide information on the number of collective agreements that include the above-mentioned subject matters as negotiated subjects, as well as any complaints raised in this respect, and the outcome of relevant disputes as decided by the Industrial Relations Department and the courts.***

Compulsory arbitration. The Committee had previously noted with interest that following amendments to certain provisions of the IRA (which have now entered into force) compulsory

arbitration had been restricted to instances generally compatible with the Convention. However, it had also noted that section 26(2) provides that: trade disputes concerning "any Government service" and "the service of any statutory authority" may be referred to compulsory arbitration (with the consent of the King or State Authority); and it had also noted that the designation of a number of Government services in point 8 of the First Schedule of the IRA, may not be considered as services composed solely of public servants engaged in the administration of the State. It also noted that point 10 of the First Schedule, qualifies as essential services businesses and industries connected with the defence and security of the country (and recalled in this context that while the armed forces may be exempt from the provisions of the Convention, businesses and industries connected with them should be afforded the full guarantees of the Convention). ***Noting an absence of information in relation to any legislative developments as regards the issues noted above**, **the Committee once again requests the Government to provide information on the measures taken or envisaged to: (i) further delimit the categories of Government services in section 26(2) of the IRA and point 8 of the First Schedule of that Act, so as to ensure that compulsory arbitration may only be imposed on those public servants engaged in the administration of the State; and (ii) remove businesses and industries mentioned in point 10 of the First Schedule of the IRA from the list of essential services so that their workers can be afforded the full guarantees of the Convention.***

Restrictions on collective bargaining of public servants not engaged in the administration of the State. In its previous comments, the Committee noted the exclusion of public sector employees from the chapter in the IRA on collective bargaining (see section 52(1), read in conjunction with Part IV of the IRA). In this respect, it also noted the ITUC's allegations that public servants are only consulted, but not integrated in processes of collective bargaining. The Committee also noted that the National Joint Council (NJC) and the Departmental Joint Council appeared to have a consultative status as opposed to being used as a platform for collective negotiation on issues relating to terms and conditions of employment of public servants not engaged in the administration of the State.

The Committee notes that the Government reiterates its view that the NJC is not a forum for mere consultations with public sector unions. To corroborate this view, the Government refers to a number of elements, including that: (i) the minutes of the meetings in the NJC are signed by the parties of the NJC, implying a binding effect of any mutually-agreed decisions; (ii) the Government/employer is required, subject to financial and social implications, to transpose any decisions taken in the NJC into rules and regulations (i.e. service circulars); (iii) as a result of negotiations and bargaining in the NJC in 2022, three new service circulars were issued, which provide for improvements for public sector employees as regards their remuneration and benefits. While taking due note of all the elements above, including the advanced level of consultations, the Committee observes that the functions of the NJC as provided for in section 10 of Service Circular No. 6 are to "give opinions and discuss", "enable employees to propose changes for consideration by the Government", and "make recommendations", and that the functions of the Departmental Joint Council, pursuant to section 3 of Service Circular 7 are to "enable employees to express opinions" and "actively participate in discussions". The Committee therefore considers that the elements considered do not demonstrate the existence of a complete bargaining machinery on issues relating to the terms and conditions of employment of public servants not engaged in the administration of the State. ***Also recalling the conclusions of the Conference Committee in 2022 in this respect, the Committee therefore requests the Government to take the necessary measures, in law and practice, to enable collective bargaining machinery for public servants not engaged in the administration of the State.***

Collective bargaining in practice. In its previous comment, the Committee noted with concern the very low coverage of collective bargaining and observed that according to public statistics available in ILOSTAT in 2018, the collective bargaining coverage rate in Malaysia was 0.4 per cent. The Committee considered that this very low coverage could be related to the restrictive requirements in law and practice to engage in collective bargaining as discussed in its previous observation.

The Committee notes that the Government refers to measures taken to increase the membership of trade unions in the country (including legislative amendments, the allocation of a special budget and training activities), as well as to the total number of trade union members (which had reached 1 million in 2024). The Committee notes however with ***regret,*** that the Government has still not provided any statistical information in relation to collective bargaining in the country. ***The Committee therefore once again requests the Government to provide updated statistical information on the number of collective agreements concluded and in force, the sectors concerned, and the number of workers covered by these agreements.***

While welcoming again the above-mentioned amendments that entered into force on 15 September 2024, the Committee requests the Government to take the necessary action to remove all the remaining legal and practical obstacles to collective bargaining addressed in this comment and to take concrete measures to promote the full development and utilization of collective bargaining. In this respect, it strongly encourages the Government to continue to avail itself of the technical assistance of the Office to work towards the full conformity of the national legislation with the principles of the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

Mali

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1964)

Previous comment

In its previous comments, the Committee noted that some cases of anti-union dismissals of workers were still pending before the courts nearly ten years after they had occurred. The Committee notes with ***regret*** that the Government's reply simply takes note of the Committee's observations and commits to taking the necessary measures without providing any details. ***The Committee urges the Government to take appropriate measures to ensure that disputes concerning anti-union discrimination are addressed in a far more rapid manner and to continue providing specific information in this regard.***

Article 4 of the Convention. Promotion of collective bargaining. Determination of the representativeness of trade union organizations. In its previous comments, the Committee recalled the urgent need to determine the procedures for occupational elections in order to give full effect to the provisions of the Labour Code relating to collective bargaining. The Committee notes that, according to the Government: (i) the elections did not take place as expected in 2021 and that they will finally take place in 2025; (ii) the holding of two workshops in 2023 with trade union confederations, organized with the support of the ILO, enabled the confederations to agree on a representativeness threshold of 17 per cent, above which organizations will be considered representative; and (iii) Order No. 2024-1586/MTFPDS-SG of 31 May 2024 lays down the rules and procedures for the organization of occupational elections for the representativeness of workers' trade unions and trade union confederations. The Committee also notes the Government's indication that, to enable occupational elections to be held in the public sector, the Social Stability and Growth Pact provides for the revision of the general conditions of service of public servants. ***While duly noting the progress made, the Committee reiterates the firm hope that the Government will soon be able to report on the holding of occupational elections, both in the private and public sectors, and that the results will make it possible to determine clearly the representative organizations for the purpose of collective bargaining at all levels. The Committee once again reminds the Government that it may request technical assistance from the Office in this regard. The Committee also requests the Government to provide it with a copy of Order No. 2024-1586/MTFPDS-SG of 31 May 2024.***

Articles 4 and 6. Collective bargaining for public servants not engaged in the administration of the State. With regard to the scope of application of the Convention and the exceptions concerning public servants, the Committee wishes to recall the distinction to be drawn between, on the one hand, public servants who by their functions are directly employed in the administration of the State (for example, civil servants in government ministries and other comparable bodies, as well as their auxiliaries) who may be excluded from the scope of application of the Convention and, on the other hand, all other persons employed by the Government, by public enterprises or by autonomous public institutions, who should benefit from the guarantees provided for in the Convention. This second category of public employees includes, for instance, employees in public enterprises, municipal employees and those in decentralized entities, public sector teachers, as well as air transport personnel, whether or not they are considered in national law as belonging to the category of public servants (see the General Survey of 2012 on the fundamental Conventions, paragraph 172). The Committee notes the Government's indication that public servants not engaged in the administration of the State are governed by the Labour Code, like employees in the private sector. ***In view of the foregoing, the Committee requests the Government to provide detailed information on the manner in which collective bargaining for public servants not engaged in the administration of the State is exercised in practice, on the legal mechanisms which enable this right to be exercised, and on any collective bargaining conducted in the public sector.***

Promotion of free and voluntary collective bargaining. The Committee notes the Government's indication that: (i) there are 16 sectoral collective agreements and 153 collective agreements in force within enterprises and establishments in the various sectors of activity; (ii) it still does not have statistical data on the number of workers covered; (iii) the work of the National Directorate of Labour (DNT) has led to the conclusion of a new collective agreement in the hotel industry and two in finance; (iv) discussions are under way with the social partners with a view to revising collective agreements in the commerce, pharmaceutical and community health sectors; and (v) 11 establishment agreements have been forwarded by the DNT to the Minister of Labour. ***The Committee requests the Government to continue providing information on the number of collective agreements and accords concluded in the country, including not only the sectors concerned but also the number of workers covered. Also noting the involvement of the DNT in the processes of revising and negotiating collective agreements, the Committee requests the Government to provide details of the DNT's mandate and the role it plays in such processes.***

Labour Relations (Public Service) Convention, 1978 (No. 151) (ratification: 1995)

Previous comment

Articles 4 and 5 of the Convention Protection against anti-union discrimination and interference. The Committee notes once again with ***regret*** that the Government still has not included any explicit provisions on protection against anti-union discrimination and interference in the General Civil Service Regulations, even though it has indicated its intention to do so. ***The Committee urges the Government to take the necessary steps in the near future to ensure that the legislation includes explicit provisions providing adequate protection against anti-union discrimination for public employees and against all acts of interference by the public authorities in the formation, functioning and administration of public employees' organizations, all of which should be accompanied by rapid and effective remedies and sufficiently dissuasive sanctions.***

Article 7. Procedures for determining terms and conditions of employment. In its previous comments, the Committee noted that it was not established that public employees' organizations may participate in the determination of their terms and conditions of employment through negotiation or other methods within the joint administrative committees, as their competence is confined to individual issues. ***The Committee requests the Government to provide up-to-date information on how, in practice, organizations representing public employees participate in the determination of their terms and***

conditions of employment. As to the right to collective bargaining of organizations representing public servants not engaged in the administration of the State, the Committee refers to its comments on the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Malta

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1965)

Previous comment

The Committee previously took note of the observations of the General Workers' Unions (GWU), which had denounced violations of the right to organize in practice. The GWU alleged that various employers and contractors circumvent the legislative provisions on freedom of association by depriving their workers of their right to join trade unions. The Committee notes the information provided by the Government in its reply thereto, and in particular, on the work carried out by the Department of Employment and Industrial Relations in relation to the alleged violations, which included conciliation meetings and inspections.

Article 2 of the Convention. Right to establish organizations without previous authorization. The Committee had previously observed that section 51 of the Employment and Industrial Relations Act, 2002 (EIRA) provides that a trade union or an employers' association and any member, officer or other official thereof, may not perform any act in furtherance of any of the purposes for which it is formed unless such union or association has first been registered, and that the penalty for contravention of this provision is a fine not exceeding €1,165. The Committee requested to the Government to take the necessary measures to repeal section 51 of the EIRA. The Committee notes with ***regret*** that the Government reiterates the information it has previously provided on the importance of registration. The Committee recalls once again that the official recognition of an organization through its registration constitutes a relevant aspect of the right to organize, as it is the first measure to be taken so that organizations can fulfil their role effectively. At the same time, the Committee also recalls that the exercise of legitimate trade union activities should not be dependent upon registration, nor should the exercise of such legitimate activities be subject to penalties. ***The Committee once again requests the Government to take the necessary measures to repeal section 51 of the EIRA, in consultation with the social partners, and to provide information on any developments in this regard.***

Article 3. Right of organizations to freely organize their activities and to formulate their programmes. In its previous comments, the Committee urged the Government to take the necessary measures to modify section 74(1) and (3) of the EIRA – according to which, if an amicable settlement of a trade dispute and conciliation has not resulted in a settlement, one of the parties may notify the Minister, who shall refer the dispute to the Industrial Tribunal for settlement – so as to ensure that compulsory arbitration may only take place with the approval of both parties or in circumstances in which a strike can be restricted or prohibited. The Committee notes with ***regret*** that the Government reiterates that the mechanism provided by the above-mentioned section is to be used in case of failure of conciliation and that the purpose of the Industrial Tribunal would be gravely undermined if a party could not challenge another party unless the latter agrees. It further points out that this arrangement has never been disputed by trade unions. The Committee once again recalls that recourse to compulsory arbitration to bring an end to a collective labour dispute is only acceptable when the two parties to the dispute so agree, or when a strike may be restricted or prohibited – that is, in the case of disputes concerning public servants exercising authority in the name of the State, essential services in the strict sense of the term or situations of acute national crisis. It further recalls that the failure of conciliation does not justify the imposition of compulsory arbitration. ***The Committee once again urges the Government to take the necessary measures to modify section 74(1) and (3) of the EIRA to ensure that compulsory arbitration***

may only take place with the approval of both parties or in circumstances in which a strike can be restricted or prohibited. The Committee requests the Government to provide information on any developments in this respect.

Article 9. Armed forces and the police. The Committee previously noted with interest the adoption of the Various Laws (Trade Union Membership of Disciplined Forces) Act, 2015 which amended the EIRA by adding a new section 67A, which gave members of the disciplined forces the right to become members of a registered trade union of their choice. It invited the Government to continue providing information on the practical application of section 67A of the EIRA. The Committee takes due note of the Government's indication that 2,099 members have registered with the Malta Police Union, 1,411 members have registered with the Police Officers Union and 95 members have registered with the Union of Civil Protection.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1965)

Previous comment

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. In its previous observations, given that, pursuant to the Employment and Industrial Relations Act, 2002 (EIRA) public officers, port workers and public transport workers are excluded from the jurisdiction of the industrial tribunal, the Committee had requested the Government to: (i) indicate before which body the public officers and the port workers may appeal against decisions taken by the Public Service Commission (PSC) and the Port Workers Board, respectively, in case they consider they were subject to anti-union dismissals; and (ii) indicate the specific procedures applicable for the examination of allegations of anti-union dismissals concerning scheduled public transport workers. With respect to public officers, the Committee notes that, the Government refers to sections 27–30 of the PSC Disciplinary Regulations but has not provided a response to the request. Regarding port workers, the Committee notes that the Government indicates that they are already members of and represented by the Malta Dockers Union (MDU). With respect to scheduled transport workers, the Committee notes that the Government informs that: (i) the Industrial Tribunal, which is regulated by the EIRA (Cap 452), is tasked to examine such allegations; (ii) the tribunal is free to regulate its own procedures but it is expected to observe the rules of natural justice and to decide on the substantive merits of the case in front of it; (iii) awards or decisions are binding on both parties; and (iv) in cases of unfair dismissal, the tribunal may order re-instatement of the employee or award compensation.

The Committee reiterates its request for the Government to indicate before which body the public officers and the port workers may appeal against decisions taken by the PSC and the Port Workers Board, in case they consider they were subject to anti-union dismissals.

The Committee also previously observed that the general sanctions set by section 45(1) of the EIRA might not be sufficiently dissuasive, particularly for large enterprises, and requested the Government to take the necessary measures, to provide for sufficiently dissuasive sanctions for acts of anti-union discrimination. The Committee notes that the Government indicates that no changes are envisaged in section 45(1), but that employees can lodge a case with the industrial tribunal or civil court should they want to take further action against the employer. ***The Committee reiterates its request for the Government to take the necessary measures within the framework of the revision of the EIRA to bring the legislation into conformity with the Convention by ensuring that sufficiently dissuasive sanctions are provided for acts of anti-union discrimination.***

Articles 2 and 3. Adequate protection against acts of interference. The Committee previously requested the Government to indicate the measures taken or contemplated so as to introduce in the legislation an explicit prohibition of acts of interference, as well as sufficiently dissuasive sanctions against such acts. The Committee notes with ***regret*** that the Government merely indicates that sections

63 and 64 of the EIRA provide for immunity of trade unions and employers' associations against acts in contemplation or furtherance of trade disputes. The Committee recalls that *Article 2* of the Convention requires the prohibition of acts of interference by organizations of workers and employers (or their agents) in each other's affairs, designed in particular to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations. ***The Committee once again requests the Government to take the necessary measures to adopt specific provisions prohibiting acts of anti-union interference, coupled with rapid appeal procedures and sufficiently dissuasive sanctions.***

Article 4. Promotion of collective bargaining in law and in practice. The Committee notes that the Government highlights that unions representing more than 50 per cent of employees or workers in any given establishment are normally granted recognition by employers and eventually are invited to negotiate collective agreements governing the employees of that establishment. The Committee recalls that in a previous report, following a request for clarification in this respect, the Government had indicated, that nothing in the law precludes employers from negotiating with unions representing less than 50 per cent of employees***. Recalling that the requirement of too high a percentage for representativity to be authorized to engage in collective bargaining may hamper the promotion and development of free and voluntary collective bargaining and that collective bargaining should be possible at all levels, the Committee requests the Government to: (i) provide exhaustive information on the number of collective agreements concluded and in force in the country, the level in which they are concluded (national/sectoral/enterprise-establishment levels), the sectors concerned and the number of workers covered; and (ii) indicate the number of collective agreements signed with unions that do not reach the 50 per cent threshold.***

Mauritania

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1961)

Previous comment

Civil liberties. In its previous comments, the Committee noted with concern the observations of the International Trade Union Confederation (ITUC) and of the General Confederation of Workers of Mauritania (CGTM) from 2017, concerning the violent repression resulting in deaths and the systematic arrests during trade union demonstrations. ***Deeply regretting the absence of information in this regard in the Government's report, the Committee once again urges the Government to provide its comments in response to the serious allegations above.***

Article 3 of the Convention. Trade union elections. The Committee notes the Government's indication that the Ministry of Public Service and Labour has launched an inclusive process to determine which trade union organizations are the most representative. The Committee notes with ***interest*** the establishment of a technical committee created by the Ministry and the road map drawn up for the committee, including the adoption of regulations regarding the determination of representativity. ***The Committee requests the Government to provide information on any developments related to the reform of the electoral process for determining representativity with a view to holding the elections of workers' representatives.***

Articles 2 and 3. Legislative amendments. The Committee recalls that its previous comments concerned the following points:

- *Right of workers to establish and join organizations of their own choosing without prior authorization.* The Committee emphasized the need to amend section 269 of the Labour Code, which makes the exercise of the right to organize by minors having access to the labour market

as workers or apprentices (at 14 years of age, according to section 153 of the Labour Code) subject to permission from their parents or guardian.

- *Right to organize of magistrates.* The Committee requested the Government to indicate the legal basis ensuring that magistrates enjoy the right to establish and join organizations of their own choosing and to provide information on the organization in which magistrates exercise their trade union rights.
- *Right of workers' organizations to freely elect their representatives and to organize their administration and activities in full freedom, without interference from the public authorities.* The Committee requested the Government to take the necessary measures to: (i) review sections 268 and 273 of the Labour Code in order to make the conditions less rigid for eligibility as trade union leaders or officers, for example by removing the requirement to belong to the occupation for a reasonable proportion of leaders; and (ii) amend section 278 of the Labour Code, which makes any change in the administration or leadership of a trade union subject to approval by the competent authorities before it can take effect.
- *Compulsory arbitration.* The Committee emphasized the need to amend section 350 of the Labour Code, to restrict recourse to compulsory arbitration in the event of collective disputes only to cases involving an essential service in the strict sense of the term, that is a service the interruption of which would endanger the life, personal safety or health of the whole or part of the population, and situations of acute national crisis.
- *Duration of mediation.* The Committee recommended amending section 346 of the Labour Code to reduce the maximum duration of the mediation phase (120 days) before a strike may be called.
- *Strike pickets.* Finally, the Committee requested the Government to amend section 359 of the Labour Code which prohibits the peaceful occupation of workplaces or their immediate surroundings and imposes penal sanctions against a worker for having carried out a peaceful strike, with the possibility of prison sentences for such acts.

The Committee notes that the only legislative development mentioned by the Government concerns section 346 of the Labour Code. In this regard, the Committee notes that the draft amendment to this section reduces the period of mediation from 120 days to 60 days which, in the Committee's opinion, remains excessive. Otherwise, the Committee notes with ***regret*** that the Government has not provided the information requested, and limits its response to indicating its intention to take up the revision of the Labour Code, without supplying details of the amendment of the provisions in question. ***Recalling that the matters raised above have been the subject of comments it has made over many years, the Committee expects that the current revision of the Labour Code will take due account of the recommendations it has made on the whole range of points set out above and urges the Government to take the necessary measures to conclude the revision of the Labour Code very shortly. The Committee reminds the Government that it may avail itself of ILO technical assistance in this regard, and requests the Government to continue to report on all developments.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 2001)

Previous comment

Articles 1 and 2 of the Convention. Adequate protection against acts of anti-union discrimination and interference. In its previous comments, the Committee requested the Government to reply to the observations of the International Trade Union Confederation (ITUC) and the Free Confederation of Mauritanian Workers (CLTM), which specifically reported intimidation, pressure and interference by the Government in trade union affairs, and threats and acts of anti-union discrimination. The Committee notes the Government's assertion that all the necessary measures have been taken to initiate

investigations into the above-mentioned allegations and that the appropriate measures will be taken if the trade union rights recognized in the Convention are found to have been impaired. ***The Committee requests the Government to provide details on the above-mentioned investigations and to provide information on any developments in this regard.***

Article 4. Right to collective bargaining. In its previous comments, the Committee expressed the firm hope that the necessary measures would be taken, with a view to amending sections 350–356 of the Labour Code so as to limit recourse to compulsory arbitration, in the event of a collective dispute, to essential services in the strict sense of the term. The Committee notes with ***regret*** that the Government confines itself to reiterating that it will take the necessary measures to ensure that these sections do not pose an obstacle to recourse to arbitration and to guarantee that this stage of the dispute proceedings is not left simply to the discretion of the Minister of Labour. ***Recalling that compulsory arbitration, in the context of collective bargaining, is only acceptable in relation to public servants engaged in the administration of the State (Article 6 of the Convention), to essential services in the strict sense of the term (services the interruption of which would endanger the life, personal safety or health of the whole or part of the population) and to situations of acute national crisis, the Committee trusts that sections 350–356 of the Labour Code will be amended very soon, and requests the Government to provide detailed information on any measures taken in this regard.***

Articles 4 and 6. Collective bargaining in the public sector. In its previous comments, the Committee repeatedly insisted on the need to take the necessary measures without delay, with a view to adopting the Decree establishing the list of public establishments covered by section 68 of the Labour Code, which provides that, where the personnel of public services, enterprises and establishments is not governed by specific conditions of service set out in legislation or regulations, collective agreements may be concluded in accordance with the provisions applicable to simple collective agreements. The Committee notes that the Government's report does not provide any information on the adoption of this Decree. ***Recalling the importance of ensuring that, in accordance with the Convention, the right to collective bargaining is effectively recognized for all public servants and employees not engaged in the administration of the State, the Committee firmly expects the Decree establishing the list of public establishments covered by section 68 of the Labour Code to be adopted in the near future, and requests the Government to provide detailed information on any specific measures taken in this regard.***

Collective bargaining in practice. ***The Committee requests the Government to provide information on the number of collective agreements concluded and in force, the sectors concerned and the number of workers covered by these agreements. It urges the Government to provide information on the measures taken to promote the use of collective bargaining mechanisms.***

Duly noting the Government's indication that it wishes to avail itself of the technical assistance of the ILO, the Committee trusts that the Government will do its utmost to bring its legislation and practice into line with the Convention.

Mauritius

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2005)

Previous comment

The Committee notes the observations of the Confederation of Public and Private Sector Workers (CTSP), submitted with the Government's report, and the Government's reply.

Noting that the amendment, in 2019, of section 28(j) of the Employment Relations Act (ERA), provides for the establishment of a national tripartite council mandated to make recommendations to the Government on issues relating, inter alia, to the review of the operation and enforcement of labour legislation, the Committee requested the Government to provide information on the recommendations

made by the Council in relation to matters covered by the Convention, including any discussion and recommendations related to giving effect to the Committee's comments. The Committee notes the Government's indication that the first meeting of the National Council took place on 20 April 2023 and that two committees were subsequently established on the themes of "training, reskilling and employability" and "employment situation and challenges". ***Trusting that the work of these committees will cover the topics covered in the Convention, the Committee requests the Government to provide any recommendation made by the Council or the committees on topics covered by the Convention or aimed at giving effect to the Committee's comments.***

Article 2 of the Convention. Right of workers, without distinction whatsoever, to establish and join organizations. In its previous comment, the Committee noted with regret that the work permit requirement provided for under the 2008 ERA had not been repealed and recalled that this requirement was not in conformity with the right of workers to establish and join organizations of their own choosing, which must be guaranteed for every worker residing in the territory of a State, whether or not they have a work permit. The Committee notes with ***interest*** the amendment introduced, in 2024, to section 13 of the ERA, allowing any worker linked to a Mauritian employer to join a trade union.

Self-employed workers. In its previous comment, the Committee emphasized the importance for all workers, including self-employed workers, to be able to establish and join trade union organizations and expressed regret that the law of Mauritius still does not allow this possibility to self-employed workers. It therefore again requested the Government to hold consultations with the social partners, including organizations representing self-employed workers, if such organizations exist, with the aim of ensuring that all workers, without distinction whatsoever, enjoy this right. The Committee notes with ***regret*** that no legislative amendments have been made and that the Government merely reiterates that self-employed workers enjoy the right to establish associations under the Registration of Associations Act. ***The Committee once again urges the Government to hold consultations with the social partners, including organizations representing self-employed workers, if such organizations exist, with the aim of ensuring that all workers, without distinction whatsoever, including self-employed workers, enjoy the right to establish and join organizations. The Committee requests the Government to provide information on progress achieved in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1969)

Previous comment

The Committee notes the observations of the Confederation of Public and Private Sector Workers (CTSP) received on 28 June 2024, and the National Trade Unions Confederation (NTUC) received on 4 September 2024 which are related to matters examined in the present comment.

In its previous comments, the Committee requested the Government to provide information on the recommendations made by the National Tripartite Council (established by a reform of the Employment Relations Act (ERA) of 2019) in relation to matters covered by the Convention. The committee takes due note that the first meeting of the National Council took place on 20 April 2023. ***The Committee requests the Government to transmit any recommendations made by the Council in relation to matters covered by the Convention.***

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. In its previous comment, the Committee noted with interest the entry into force of the changes to the ERA, made in 2019:

- new section 31(1)(b)(iii) provides that no person shall discriminate against, victimize or otherwise prejudice a worker or an accredited workplace representative on any employment issue on the ground of his trade union activities;

- new section 64(1A) provides for stringent conditions to curb any decision to terminate workers' employment in relation to trade union membership or activities; and
- in section 2 of the ERA, the definition of labour dispute has been broadened to include reinstatement of a worker where the employment is terminated on the grounds specified in section 64(1A) (above-mentioned).

The Committee requested the Government to indicate the impact in practice of these amendments and to provide statistical data in that regard. The Committee notes the repeal of section 64(1A) of the ERA and its replacement by section 69 of the Worker's Rights Act (WRA), as well as the role given, under this new complaint mechanism, to the supervising officer appointed by the Minister of Labour. The Committee further notes with ***interest*** that the definition of harassment prohibited by section 114(1) of the ERA includes forms of harassment on grounds of the exercise of trade union rights (see section 114(7) of the Act); the fact that article 64(1)(d) expressly prohibits the termination of an employment relationship on the grounds of the exercise of trade union rights; and that section 69A provides that a worker dismissed on such grounds may claim reinstatement in his or her functions. The Committee notes, however, that under sections 69 and 70 of the WRA, the possibility for a worker to obtain compensation in the event of violation of trade union rights is limited to cases of dismissal of workers having been in continuous employment for a period of at least 12 months with an employer, and that the anti-union nature of the dismissal does not figure among the criteria for awarding additional damages. Moreover, the Committee also notes that the imposition of penalties for anti-union acts is restricted solely to cases of anti-union harassment, by virtue of section 114(1)(a), (5) and (7) of the WRA. The Committee recalls that anti-union discrimination is one of the most serious violations of freedom of association and all acts of discrimination related to employment must therefore be prohibited and sanctioned in practice. ***The Committee therefore requests the Government to amend the WRA to ensure that all acts of anti-union discrimination, regardless of whether they are directed at workers that have been in continuous employment for 12 months or constitute harassment, result in the imposition of specific penalties or in the payment of additional damages to be paid by the perpetrator. The Committee requests the Government to communicate all relevant information in this regard.***

The Committee also notes the statistics provided by the Government concerning the number of disputes addressed by the competent authorities and that between 2021 and May 2024: (1) no cases of dismissal on anti-union grounds were registered; and (2) only two cases of anti-union discrimination were registered by the authorities. The Committee notes the Government's indication that the two disputes were resolved to the satisfaction of the workers involved. ***The Committee requests the Government to clarify the nature of the provisions applied in the two cases of alleged anti-union discrimination. The Committee also requests the Government to continue to provide detailed data on the number of complaints for anti-union discrimination, in particular for anti-union dismissal, that have been filed with the competent authorities (the labour inspection and the courts) and their outcomes, As well as the number and nature of the penalties imposed, or compensation granted.***

In its previous comment, the Committee expressed the firm hope that the various amendments made to the ERA in 2019 would contribute to improving the rapidity and efficiency of the conciliation procedures undertaken by the Commission for Conciliation and Mediation (CCM) in respect of disputes involving allegations of anti-union discrimination. In this regard, the Committee notes the statistics supplied by the Government on the number of disputes submitted to the CCM between 2021 and May 2024, and notes that a large number of cases appear to have achieved resolution each year. ***The Committee requests the Government to clarify what becomes of the conciliation cases that are classified, each year, as "pending", and to indicate why in 2024, only 15 out of 230 conciliation cases achieved resolution, and why only 147 of the remaining cases, rather than 215, were classified as pending.***

The Committee also reiterated its request to the Government to take measures with a view to accelerating judicial proceedings and to provide statistical data on their average duration, including with respect to cases that may arise in EPZs. The Committee notes that the Government restricts itself to indicating that the time limits applied to the treatment of files come under the State judiciary, and that the fixing of rules to be respected by the legal institutions, and in particular regarding time limits, come under the legislative authority. In this regard, while noting the Government's indications regarding legal amendments imposing maximum time limits to be respected for addressing certain complaints by different competent authorities established by the ERA and WRA (by virtue of sections 69A and 73 of the WRA and section 87 of the ERA), the Committee also notes the CTSP's observation that the absence of clear rules on time limits for legal proceedings opens the door to unreasonable delays of which the victims are the trade unions. ***Noting with regret that the Government has not supplied the statistical data requested in its previous comments, the Committee urges the Government to take the necessary measures to accelerate judicial proceedings and to provide statistical data on the average duration of judicial (or quasi-judicial) proceedings in respect of trade union rights, including with regard to cases arising in EPZs.***

Article 4. Promotion of collective bargaining. In its previous comment, the Committee requested the Government to clarify: (i) whether the revised section 69(9)(b) of the ERA allows for compulsory arbitration at the request of one of the parties; (ii) the rationale behind the removal of consultations with the social partners provided under section 87(2) of the ERA; and (iii) the impact in practice of the legislative amendments made to sections 69(3), 87(2) and 88(4) of the ERA on improving collective bargaining:

- With regard to section 69(9)(b), the Committee notes the Government's indication that the mechanism permitting, in case of deadlock in the CCM, one of the parties to refer the dispute to the employment relations tribunal, respects the spirit of collective bargaining, and that its underlying intention is to protect the more disadvantaged party in a negotiation. While noting that the two parties to negotiation both effectively enjoy the right to request compulsory arbitration in case of deadlock noted by the CCM, the Committee recalls that recourse to compulsory arbitration can only be compatible with the Convention in the following circumstances: (i) in essential services in the strict sense of the term; (ii) in the case of disputes in the public service involving public servants engaged in the administration of the State; (iii) when, after protracted and fruitless negotiations, it becomes obvious that the deadlock will not be broken without some initiative by the authorities; or (iv) in the event of an acute crisis (see the General Survey of 2012 on the fundamental Conventions, paragraph 247). ***The Committee therefore requests the Government to take all necessary measures to amend section 69(9)(b) to bring it into conformity with the Convention.***
- With regard to the removal of the consultations provided under section 87(2) of the ERA, that required the minister to hold consultations with the most representative organizations of employers and workers regarding the appointment or conciliators or mediators, the Committee notes the Government's indications, which concern the process of appointment of conciliators and mediators, but do not clarify the reasons for the removal of consultations. ***The Committee therefore again requests the Government to indicate the rationale for removing the consultations with the social partners provided by section 87(2) of the ERA.***
- With regard to the impact of legislative amendments in practice, the Committee notes the Government's indications that 214 agreements were registered with the Ministry of Labour between January 2021 and December 2023 (new collective agreements and amendments to existing agreements). ***The Committee requests the Government to continue to indicate the impact in practice of the new provisions of the ERA, specifying in what particular manner they contribute to strengthening collective bargaining in Mauritius.***

In its previous comment, the Committee requested the Government to strengthen inspection and awareness-raising activities in respect of collective bargaining, in particular in EPZs, the textile sector, sugar industry, manufacturing sector and other sectors employing migrant workers. The Committee notes the Government's indication that: (i) 55 awareness-raising activities were conducted between 2021 and May 2024, reaching 808 EPZ and textile sector workers; and (ii) 151 inspections were carried out in EPZs, concerning 17,854 local workers, and 1,458 inspections were carried out in the manufacturing sector, concerning 70,155 migrant workers. ***Noting a sharp fall in activities and workers reached by them in comparison with the 2017–20 period, the Committee requests the Government to indicate the reasons for this decrease.***

In its previous comment, the Committee also requested the Government to continue to provide statistics on the functioning of collective bargaining in practice, especially in EPZs. The Committee notes the registration of 214 collective agreements between 2021 and May 2024, but observes that it is not able to ascertain whether some of these agreements are applicable in EPZs and whether they apply to migrant workers. The Committee also notes the observations of the CTSP that at present no migrant worker is covered by a collective agreement. Finally, the Committee notes the Government's response to the CTSP, to the effect that migrant workers may, under section 13 of the ERA, become members of a union. ***In the light of these elements, the Committee requests the Government to take the necessary measures rapidly, in consultation with the social partners, to greatly strengthen awareness-raising and inspection activities in respect of collective bargaining, especially in EPZs and in the economic sectors in which migrant workers are employed. It also requests the Government to continue to provide statistics on the number of collective agreements concluded and in force in the country, specifying the different sectors concerned – including EPZs – and the numbers of workers covered. Finally, noting the CTSP's observations in this regard, the Committee requests the Government to provide information on the existence of collective bargaining at sectoral level, and of possible steps taken to promote such bargaining.***

Article 6. Collective bargaining in the public sector. In its last comment, the Committee requested the Government to transmit a copy of the regulation for the Employment Relations Committee once it had been adopted. The Committee notes the Government's indications that the Ministry of Public Services, Administrative and Institutional Reforms is still working on a draft regulation, and that it is still awaiting receipt of the written proposals and comments requested from the three principal public sector trade union federations. ***Considering the length of time passed since the announcement of the draft regulation for the Employment Relations Committee, the Committee expects that it will shortly be adopted and again requests the Government to transmit a copy once it has been adopted.***

The Committee also requested the Government to take the necessary measures to effectively recognize the right to collective bargaining of public servants who are not engaged in the administration of the State. The Committee notes the Government's indications regarding the functioning of the authorities responsible for taking action in respect of the labour relations of all State officials, namely: the Wage Research Bureau and the Employment Relations Unit (ERU), but it was unable to ascertain, from this information, which were the mechanisms enabling public servants not engaged in the administration of the State to bargain collectively in respect of their working conditions. The Committee also notes the observation of the NTUC, which considers that the Government has decided to exclude trade unions representing all public servants from the possibility of engaging in collective bargaining. ***The Committee therefore requests the Government to respond to the observations of the NTUC and, once again, to take the necessary measures, together with the professional organizations concerned, to effectively recognize the right to collective bargaining for all public servants not engaged in the administration of the State. The Committee recalls, in this regard, that Mauritius has also ratified the Collective Bargaining Convention, 1981 (No. 154), which also covers public servants engaged in the administration of the State, and refers the Government to its comments under that Convention.***

Collective Bargaining Convention, 1981 (No. 154) (ratification: 2011)

Previous comment

The Committee notes the comments of the Confederation of Public and Private Sector Workers (CTSP), received with the Government's report.

Article 1 of the Convention. Public service. In its previous comment, the Committee requested the Government to provide information on the manner in which negotiations in the public service take place. The Committee notes the Government's indications regarding the functioning of the authorities responsible for taking action in respect of the labour relations of all public servants, namely, the Pay Research Bureau (PRB) and the Employment Relations Unit (ERU), but was unable to ascertain, from this information, which were the mechanisms enabling public servants' trade unions to engage in collective bargaining. While recalling that, under *Article 1(3)* of the Convention, as regards the public service, special modalities of application of this Convention may be fixed by national laws or regulations or national practice, the Committee emphasizes, once again, that the institution of simple consultations is not sufficient to give effect to the Convention, which applies to all workers and employers in all branches of economic activity, including in the public service as a whole. ***Consequently, recalling its similar observations adopted in the context of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), specifically in respect of public servants not engaged in the administration of the State, the Committee requests the Government, together with the professional organizations concerned, to take the necessary measures to effectively recognize the right to collective bargaining of public servants. The Committee requests the Government to provide information on any new elements in this regard.***

Article 5. Definition of labour dispute. In its previous comment, the Committee requested the Government to indicate to what extent the definition of the term "labour dispute", stipulated in section 2 of the Employment Relations Act, and excludes disputes reported more than three years after the act or omission that gave rise to the dispute, is applied to collective labour disputes. The Committee duly notes the Government's response, indicating that in respect of the mandates accorded to the Conciliation Service of the Ministry of Public Services, Administrative and Institutional Reforms, all disputes are examined on their substance, regardless of the time limit of three years provided under section 2 of the Act. The Committee notes however, that the decision of the Labour Relations Tribunal (RN156/3), submitted by the Government to illustrate this principle in the context of the competence of the same tribunal, does not support this, as it concerns a decision on the modalities for applying the limitation period, and not for the non-application of that period. ***The Committee therefore requests the Government to provide information on how it ensures that all collective labour disputes can be covered by measures aimed at their resolution.***

Application of the Convention in practice. The Committee notes the statistics provided by the Government concerning the collective agreements registered in the public and private sectors, the resolution of disputes before the Commission for Conciliation and Mediation (CCM) and trade union recognition for the purpose of collective bargaining, and observes in particular that 254 collective agreements were registered between 2017 and April 2024 and that the CCM had dealt with 3,538 cases of trade union representation during the same period. ***The Committee invites the Government to continue to provide these statistics, specifying the total number of workers covered by the collective agreements in force.***

Mexico

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1950)

Previous comment

The Committee notes the observations of the Confederation of Workers of Mexico (CTM), the Authentic Workers' Confederation of the Republic of Mexico (CAT), the Autonomous Confederation of Workers and Employees of Mexico (CATEM) and the International Confederation of Workers (CIT), provided with the Government's report, on matters examined below.

The Committee also notes the observations of the Union of Workers in Positions of Trust of the Autonomous University of Chiapas (SITRACOUNACH), received on 19 September 2023 and 15 July 2024, and the observations of the National Federation of Workers (UNT), of 13 September 2024, also on matters raised below.

Trade union rights and civil liberties. The Committee previously noted the observations of the International Trade Union Confederation (ITUC) and the UNT of 2018 alleging acts of anti-union violence, including the murder on 18 November 2017 of two miners who were participating in a strike in the state of Guerrero, attacks on over 130 unionized university workers in San Cristóbal de las Casas on 9 February 2017, as well as the death of a trade union activist in January 2018 after receiving threats relating to the promotion of a new union. The Committee notes that the Government requested specific and updated information from the organizations concerned on the cases referred to in order to be able to investigate them in consultation with the parties involved and adopt the necessary measures. It also notes that the CTM, in its observations, encourages the Government to proceed with the necessary investigations and inquiries. ***The Committee once again requests the Government to take the necessary measures to investigate the allegations, and to punish and eradicate all acts of anti-union violence. It also once again invites the organizations concerned to provide the Government with any additional specific information that they have.***

Article 2 of the Convention. Conciliation and arbitration boards. Constitutional reform of the labour justice system. In its previous observation, the Committee noted the information provided by the Government and the concerns expressed by the social partners, and encouraged the Government to continue ensuring that the subsequent stages of the constitutional reform of the labour justice system are submitted to broad and effective tripartite consultations. The Committee notes the Government's indications that: (i) in October 2022, the third and final stage of the reform started with the commencement of activities by federal and local conciliation centres and labour tribunals, and the closing down of the conciliation and arbitration boards; (ii) the transition was made to a system based on alternative means for the settlement of disputes, the intensive use of new technologies and guarantees of the principles of impartiality, neutrality and independence in the administration and delivery of labour justice; (iii) there are 114 labour conciliation centres in the 32 federative entities, with a conciliation rate of 78 per cent at the national level and an average duration of the conciliation procedure of 23 days; (iv) 160 seats of local labour courts were established in the 32 federative entities, with a settlement rate of 48 per cent at the national level and an average period for settlement of 273 working days; (v) the National Concertation and Productivity Committee (CNCP) was established as an advisory body composed of representatives of employers, labour and academia, with the purpose of improving conciliation procedures, registration, trade union representation and collective bargaining, as well as promoting social dialogue; and (vi) the Secretariat of Labour and Social Insurance (STPS) has participated in negotiation and conciliation round tables with independent and minority unions and has established the General Social Dialogue Department to facilitate negotiation and voluntary dialogue between the parties.

The Committee also notes the following observations from the social partners in this regard: (i) the CATEM indicates that access to the labour justice system has improved significantly as a result of the new independent labour courts, which have resolved over 30,000 cases since their creation, many of them related to the defence of the right to organize and collective bargaining; (ii) the CAT indicates that the public officials responsible for the procedures that have to be followed by trade unions within the context of the reform lack training; and (iii) the CTM indicates that it has proposed the holding of meetings with the Federal Conciliation and Labour Registration Centre (CFCRL) to assess the progress

of the labour reform and its implementation with a view to determining what needs to be corrected and strengthened, and the need for improved application. ***Welcoming the substantial progress reported, the Committee encourages the Government to continue submitting developments in the implementation of the labour reform to effective and continuous tripartite consultations, including through the CNCP and with the participation of the CFCRL, with a view to addressing the remaining concerns and providing the necessary training to ensure full compliance with the Convention in both law and practice. The Committee requests the Government to provide information on any developments in this regard.***

The Committee also notes that in 2023 the ILO Office for Mexico and Cuba commenced the implementation of the project on observation and commitment to the realization of the rights of freedom of association and collective bargaining (OBSERVAR), which seeks to provide technical assistance and training to employers' and workers' organizations and to the Government on the basis of the comments of the supervisory bodies and the respective Conventions. ***In this context, the Committee encourages the Government to have full recourse to ILO technical assistance.***

Trade union representativity. Trade unions and protection contracts. In its previous observation, the Committee encouraged the Government to take additional measures to ensure that the legal validation processes for collective agreements were fully in accordance with freedom of association and urged the Government, in consultation with the social partners, to address the continuing problems of protection unions and contracts which were affecting the right of workers to establish and join unions of their own choosing. The Committee notes the Government's indications that: (i) during the four-year period that was granted to unions to validate collective labour agreements, which elapsed on 1 May 2023, a little over 30,500 collective labour agreements were validated, with 663 being rejected, while 108,000 collective labour contracts lapsed as their own signatory unions failed to put them forward for consultation with their members; (ii) as a result of this extraordinary effort, for which the unions were responsible, supported and monitored by the STPS and the CFCRL, protection contracts were invalidated and unrepresentative unions revealed; (iii) all new collective labour agreements, as well as agreements that have been completely revised and agreements setting new wage levels are put to a vote by the workers; (iv) as a result of these consultations, by May 2024, some 3,101 new collective agreements had been registered, as well as 10,720 fully revised agreements and 14,988 agreements setting revised wage levels; (v) the new labour model guarantees the personal, free, secret and direct votes of workers for the election of trade union leaders as well as the documents confirming representativity; and (vi) with a view to ensuring transparency and confidence in trade union democratic processes, the CFCRL is empowered to carry out electoral verification prior, during and following consultations.

In relation to the observations of the trade unions, the Committee notes CATEM's indication that the reform has provided an incentive for a significant increase in independent unionization, and that the establishment of the CFCRL has been fundamental in ensuring that unions and collective labour agreements are democratic and transparent. At the same time, the CIT indicates that there are still employers and union leaders who are continuing to operate as they did under the former model, and whose illegal and corrupt practices are not always challenged by the Government or the responsible institutions and officials; and the UNT alleges that there remain protection unions close to employers, as well as anomalies in the procedures for confirming representativity in practice. ***While welcoming the progress achieved by the Government in the legitimation of collective labour agreements, and its commitment to the transparency of trade union democratic procedures, the Committee requests the Government, in consultation with the social partners, to intensify its efforts to combat and eliminate the persisting practices associated with the former model with a view to guaranteeing the right of workers to establish and join the organizations of their own choosing.***

Publication of the registration of trade unions. In its previous observation, the Committee took due note of the progress made in the implementation of a single register of trade unions and collective agreements at the national level under the responsibility of the CFCRL, as well as allegations of the

persistence of difficulties in practice in accessing information on existing trade unions and collective agreements, and requested the Government to follow up on these allegations. The Committee notes the Government's indications that: (i) it has no statistical data on complaints or requests relating to difficulties of access to information on trade unions; (ii) the CFCRL has fully complied with the transparency requirements established at the national level, and has not been issued with any observations or recommendations in this regard by the responsible body, the National Institute for Transparency, Access to Information and the Protection of Personal Data; and (iii) as a support to the public, to jurisdictional, governmental and private bodies, and social institutions, two electronic platforms have been created based on data provided by the CFCRL. These platforms are the Directory of Labour Registration Information, through which it is possible to have access to documents related to accreditation procedures, collective labour agreements, internal rules and other procedures, and a webpage of validated collective agreements. The Committee also notes the CTM's indications in its observations that the CFCRL has not yet digitalized all of the records of the local conciliation and arbitration boards. ***Welcoming the establishment of the electronic platforms referred to above to facilitate access to trade union information, the Committee requests the Government to take the necessary measures to ensure the full digitalization of the records of the local conciliation and arbitration boards and to provide information on any developments in this respect.***

Articles 2 and 3. Public sector workers. In its previous comment, the Committee reiterated its request to the Government to amend sections 72 and 75 of the Federal Act on State Employees (LFTSE), and the legislative declaration establishing the trade union monopoly of the National Federation of Banking Unions (FENASIB), which restrict trade union pluralism in State institutions and the possibility of the re-election of trade union leaders. The Committee ***regrets*** to note that the Government has confined itself to indicating that it is continuing to analyse the legislative changes requested and will assess whether it is opportune to implement them as a function of national circumstances and the priorities of the legislative agenda. ***The Committee once again requests the Government to take the necessary measures for the amendment of sections 72 and 75 of LFTSE, as well as the legislative declaration of the trade union monopoly of the FENASIB, with a view to ensuring that all workers in the public sector, with the sole possible exception of the police and the armed forces, enjoy the guarantees set out in the Convention.***

Personnel in positions of trust. In its previous comment, the Committee requested the Government to provide its comments on the allegations made by IndustriALL Global Union (IndustriALL) on the persistence in the centralized public sector of the model of union control through union organizations whose leadership is close to those in political power, and on the unlawful classification of rank-and-file workers as "personnel in positions of trust", and to specify whether workers in positions of trust covered by the LFTSE have the right to join a union or to establish their own trade unions. The Committee notes that the Government: (i) requests IndustriALL to provide precise information and specific cases of the persistence of the model of union control in order to be able to respond to the allegations; and (ii) indicates that, although section 8 of the LFTSE excludes workers in positions of trust from its scope of application, the provisions of the Federal Labour Act (LFT) are instead applicable and, although section 183 of the Federal Labour Act provides that workers in positions of trust may not join the unions covering other workers, it does not prevent them from organizing to establish their own unions. The Committee also notes that the SITRACOUNACH, in its observations, denounces a series of rulings by the Local Conciliation and Arbitration Board of the state of Chiapas denying trade union registration and recognition of legal status prior to the labour reform. ***The Committee requests the Government to: indicate the criteria for the determination of whether a worker is in a position of trust; take the necessary measures to ensure that this characteristic of "trust" is not used for the purpose of restricting freedom of association; and provide statistical data on the number of unions of workers in positions of trust that exist in the country in the sectors covered by both the Federal Labour Act and the LFTSE. The Committee also invites IndustriALL to provide the Government with any additional***

information that is at its disposal in relation to the allegations referred to above. The Committee requests the Government to indicate whether the concerns raised by the SITRACOUNACH regarding trade union protection in the state of Chiapas have been addressed under the labour reform.

Registration of trade unions and accreditation of elected trade union representatives ("toma de nota"). The Committee previously encouraged the Government to effectively monitor and follow up on the allegations of obstacles to the establishment and recognition of independent unions and the procedure for their accreditation *("toma de nota")*, as described by IndustriALL and the ITUC. The Committee notes that the Government: (i) reiterates that the functions of the registration of trade unions have been transferred to the CFCRL, which is responsible for the procedure, except in the case of organizations of workers in the service of the State, in respect of whom the competence is vested with the Federal Conciliation and Arbitration Tribunal; and (ii) indicates that, under the new labour model, the principles of autonomy, equity, democracy, legality, transparency, certainty, provision free-of-charge, immediacy and respect for freedom of association and its guarantees have been applied. The Committee also notes the allegations by the UNT in its observations that there are various obstacles in the procedures for obtaining the registration of a trade union in the transport sector, as well as the unjustified refusal to provide accreditation for the leaders of a union in the education sector. ***Regretting that the Government has not specifically addressed in its report the allegations made by IndustriALL and the ITUC, the Committee once again encourages it, in consultation with the social partners, to effectively monitor and follow up on these allegations, as well as those made by the UNT, and to provide information on any progress achieved in this regard.***

Article 3. Right to elect trade union representatives in full freedom. Prohibition on foreign nationals becoming members of trade union executive bodies (section 372 of the Federal Labour Act). The Committee previously requested the Government to amend section 372 of the Federal Labour Act, which prohibits foreign nationals from being members of trade union executive bodies. The Committee notes the Government's reiterated indication that this provision is not applied in practice, as the Federal Labour Act does not establish any penalty for non-compliance and the authorities do not verify the nationality of trade union leaders, adding that there are trade union statutes which recognize the possibility for foreign nationals to participate in executive bodies. It also notes the indication by the CTM in its observations that this amendment lies within the competence of the legislative authority, which needs to assess whether it is appropriate. ***Recalling once again the need to ensure the conformity of the legislative provisions with the Convention, even where they are in abeyance or are not applied in practice, the Committee requests the Government to take the necessary measures to amend section 372 of the Federal Labour Act with a view to making explicit the tacit repeal of the restriction on foreign nationals being members of trade union executive bodies.***

Montenegro

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2006)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the Union of Free Trade Unions of Montenegro (UFTUM) received on 31 August 2021, referring to the matters addressed below.

The Committee takes note of the adoption of the Law on Civil Servants and State Employees (2018), the Labour Law (2019), a revised Rulebook on the Registration of Trade Unions (2019) and a Rulebook on the Registration of Representative Trade Union Organizations (2019), as well as the Government's indication that there have been no legislative changes or other measures that significantly affect the application of the Convention.

Article 3 of the Convention. Right to organize activities in full freedom. In its previous comment, the Committee noted that under section 18 of the Law on Strikes, 2015, the police, employees of state bodies and the public service could organize a strike in a way that would not endanger national security, safety of persons and property, the general interest of citizens or the functioning of government authorities and that in such occupations, minimum services must be ensured. Having noted that it was the prerogative of the state authority responsible for national security to determine whether the organization of a strike endangered the general interest of citizens and functioning of government authorities, the Committee requested the Government to take the necessary measures to amend the Law on Strikes in consultation with the social partners so as to ensure that responsibility for declaring a strike illegal rests with an independent body that has the confidence of the parties involved. The Committee notes the Government's indication that: (i) in line with section 7, work disruption not organized in accordance with the provisions of the Law on Strikes shall be considered an illegal strike; (ii) section 31 of the Law provides that the employer, the representative association of employers, the representative trade union or the strike committee can initiate a procedure for determining the illegality of a strike or unlawful dismissal, which will be decided upon by the competent court within five days of such a request (this provision applies to any organized strike regardless of the area of activity in which it is organized); and (iii) the assessment under section 18 of whether the organization of a strike for the above employees endangers the general interest of citizens and functioning of government authorities is done by the public authority responsible for national security. While taking due note of this indication, the Committee understands that even if section 18 does not, in its wording, refer to the determination of the legality of a strike (which is regulated by section 31, providing for a judicial determination irrespective of the area of activity in which the strike is organized), section 18 provides for an assessment by a public authority of whether a strike endangers the general interest of citizens and functioning of government authorities and thus, whether it can lawfully take place under section 18 or not. The Committee notes in this regard the observations made by the UFTUM that: (i) at the drafting stage, a representative from the UFTUM warned that section 18 was not sustainable as the National Security Agency was a security intelligence service whose work implied the secrecy of information; (ii) the National Security Agency may declare that a strike endangers the public interest, and is therefore illegal, without prescribed clear criteria, acting in its own discretion and without the possibility of objections from the initiators of the strike; and (iii) the UFTUM submitted an initiative to review the constitutionality of section 18 of the Law on Strikes after its entry into force but has not yet received a response from the Constitutional Court. While noting the Government's submission that *Article 9* of the Convention leaves it to Members States to determine the extent to which the guarantees of the Convention apply to members of the armed forces and the police, the Committee observes that section 18 of the Law on Strikes also regulates the right to strike of employees of state bodies and the public service who are not excluded from the scope of the Convention under *Article 9* and who, unless they are engaged in essential services in the strict sense of the term or exercising authority in the name of the State, should benefit from the right to strike. ***In view of the above, the Committee once again requests the Government to take the necessary measures to amend the Law on Strikes in consultation with the social partners so as to ensure that any determination of whether a strike organized under section 18 endangers the general interest of citizens and functioning of government authorities, and is therefore illegal, is the prerogative of an independent body that has the confidence of the parties involved. The Committee also requests the Government to provide information on the current status of the initiative to review the constitutionality of section 18 filed to the Constitutional Court by the UFTUM.***

Article 4. Dissolution and suspension by administrative decision. The Committee previously requested the Government to indicate whether suspensive effect was granted to an appeal, made pursuant to the Law on General Administrative Procedure, of a decision to delete a trade union organization from the register pursuant to section 10(3) of the former Rulebook on the Registration of Trade Union Organizations – deletion if the registration was based on inaccurate data from the applicant or on the application of an unauthorized person (possibility currently also provided under section 12(3) of the revised Rulebook and section 13(3) of the Rulebook on the Registration of Representative Trade Union Organizations). The Committee notes the Government's indication that an appeal filed against a decision of the Ministry of Labour to delete a union from the register does not have suspensive effect in that it does not delay the execution of the decision. ***Recalling that the dissolution and suspension of trade union organizations constitute extreme forms of interference by the authorities in the activities of organizations and should only take place following a normal judicial procedure which should have the effect of a stay of execution, the Committee requests the***

Government to take the necessary measures, including any necessary legislative amendments, to ensure that the procedure to delete a trade union organization from the register (pursuant to section 12(3) of the revised Rulebook on the Registration of Trade Unions and section 13(3) of the Rulebook on the Registration of Representative Trade Union Organizations) provides such safeguards.

The Committee further notes that the Government indicates that while the revised Rulebook on the Registration of Trade Unions did not modify the reasons for deletion of a trade union from the register, it introduced a new sub-paragraph stipulating that the procedure for deleting a trade union under section 12(3) (previously section 10(3)) – if the registration was based on inaccurate data from the applicant or on the application of an unauthorized person – can be initiated by a registered trade union (section 13 of the Rulebook on the Registration of Representative Trade Union Organizations provides for the same possibility). ***The Committee requests the Government to clarify whether the effect of the new sub-paragraph is simply to allow the concerned union to initiate the procedure for deleting it from the register in the previously described circumstances, or whether it enables any registered trade union to request deletion of another union from the register under section 12(3) of the Rulebook and section 13(3) of the Rulebook on the Registration of Representative Trade Union Organizations, and if so, to indicate the grounds for having introduced this possibility.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 2006)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the Union of Free Trade Unions of Montenegro (UFTUM) received on 31 August 2021, alleging lack of adequate protection against acts of anti-union discrimination in practice. ***The Committee requests the Government to provide its comments thereon.***

The Committee notes the adoption of the Law on the Representativeness of Trade Unions (2018), the Labour Law (2019), the Rulebook on the Registration of Representative Trade Union Organizations (2019) and the General Collective Agreement (2019), as well as the Government's indication that there have been no changes in legislative or other measures that significantly affect the application of the Convention. The Government adds that the Committee's previous comments were presented to the tripartite working group which drafted the Labour Law and were largely respected and that further amendments to the Labour Law are foreseen for which the technical assistance of the Office would be useful.

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. In its previous comment, the Committee requested the Government to pursue its efforts to amend the legislation so as to ensure the provision of sufficiently dissuasive sanctions for acts of anti-union discrimination against union members and officials. The Committee notes the Government's indication that: (i) section 189 of the new Labour Law prescribes voluntary membership in a trade union or employers' association and stipulates that no one can be placed in a less favourable position due to membership in such organizations and participation or failure to participate in their activities; (ii) section 7 prohibits direct and indirect discrimination against persons seeking employment, as well as employees, on the ground of, among others, trade union membership; (iii) section 8 details what constitutes direct and indirect discrimination; (iv) section 13 prohibits discrimination on the basis of membership and participation in organizations of employees and employers; and (v) section 209(1)(1) stipulates fines for violations of sections 7, 8 and 13 by a legal entity in the amount of EUR 1'000 to 10'000. The Committee also observes that a fine ranging from EUR100 to 1,000 shall be imposed on the responsible person in the legal entity for violations of sections 7, 8 and 13 (section 209(2)). It further notes that section 173(5) stipulates that acting as a representative of employees in line with the law does not constitute a justified reason for termination of employment, that section 196 provides protection against anti-union discrimination against trade union representatives during their mandate, as well as six months after its termination, and that section 180(5) stipulates the possibility of reinstatement and compensation in case of illegal dismissal. The Committee notes with ***satisfaction*** the adoption of the above provisions. The Committee observes, however, the concerns raised by the UFTUM in this respect, alleging lack of adequate protection against acts of anti-union discrimination in practice, in particular numerous cases

of discrimination against trade union representatives and the absence of prosecution of employers. ***In view of the above, the Committee requests the Government to provide information on the practical application of section 209(1)(1) of the Labour Law concerning anti-union discrimination cases, in particular the type of violations identified, the nature of the remedies and the amount of the fines imposed.***

Article 2. Adequate protection against acts of interference. In its previous comment, the Committee requested the Government to take measures to adopt specific legislative provisions prohibiting acts of interference by the employer or employers' organizations and making express provision for rapid appeal procedures, accompanied with effective and sufficiently dissuasive sanctions. The Committee notes the Government's statement in this regard that, under section 197(1) of the Labour Law, the employer is obliged to provide employees with the free exercise of trade union rights and that freedom of trade union organization creates positive and negative obligations for the employer towards the trade union: the positive obligation is to provide conditions for trade union work and to sanction all persons who prevent or hinder trade union activities, whereas the negative obligation implies the absence of any administrative or other barriers by the employer that could prevent or hinder the exercise of trade union rights. The Government adds that the Law on the Representativeness of Trade Unions prescribes general conditions for determining the representativeness of trade unions, which include independence from public authorities, employers and political parties, and it clarifies that in order to establish a quality social dialogue, it is essential to ensure the independence of trade unions from public authorities, employers and political parties. While taking due note of the general obligations of the employer vis-à-vis trade unions and the importance of trade union independence invoked by the Government, the Committee observes that the Government does not point to provisions which provide specific protection against acts of interference by employers or employers' organizations in the establishment, functioning and administration of trade unions, and vice versa, as established in *Article 2(2)* of the Convention, in particular acts designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to place workers' organizations under the control of employers or employers' organizations through financial or other means. ***The Committee therefore reiterates its request to the Government to take measures to adopt specific legislative provisions prohibiting acts of interference by the employer or employers' organizations as established in Article 2(2) of the Convention and making express provision for rapid appeal procedures, accompanied with effective and sufficiently dissuasive sanctions.***

Article 4. Promotion of collective bargaining. General Collective Agreement. The Committee previously requested the Government to take measures to amend sections 149 and 150 of the Labour Law so as to ensure that the Government may only participate in the negotiation of a general collective agreement on issues linked to the minimum wage and that matters relating to other terms of employment are subject only to bipartite collective bargaining between employers and their organizations and workers' organizations. The Committee notes the Government's indication that many issues previously regulated by the General Collective Agreement (certain rights concerning the employment relationship, salaries, disciplinary responsibilities, termination of the employment contract and conditions for trade union activities) are now governed by the Labour Law and that the General Collective Agreement will thus mainly contain provisions relating to the determination of wages and the calculation of salaries. The Committee observes however the Government's statement that the General Collective Agreement will also regulate other issues (such as the limitation of overtime work, and increases in annual leave and unpaid leave) in some sectors where branch collective agreements have not been concluded so as to protect the rights of employees (the banking and trade sectors). The Committee further notes that, under section 183 of the revised Labour Law, a general collective agreement defines, in addition to elements for the determination of wages, also the scope of the rights and obligations arising out of employment and that section 184(1) provides for the Government's participation in the conclusion of a general collective agreement. While emphasizing the importance and relevance of concertation between the Government and the social partners on matters of common interest, the Committee recalls that the Convention tends essentially to promote bipartite negotiation and to limit the participation of public authorities to issues which are broad in scope, such as the formulation of legislation and economic or social policy, or the fixing of the minimum wage rate. ***The Committee therefore once again requests the Government to take, in consultation with the social partners, the necessary measures to amend the relevant provisions of the Labour Law to ensure that the general collective agreements are concluded in full compliance with the Convention.***

Representativeness of employers' federations. In its previous comments, the Committee requested the Government to take measures to either substantially reduce or repeal the minimum requirements for an employers' federation to be considered as representative (under the current legislation, it must employ a minimum of 25 per cent of employees in the economy of Montenegro and participate in the gross domestic product of Montenegro with a minimum of 25 per cent). While taking due note of the Government's indication that the tripartite working group that drafted the Labour Law agreed to retain the current legal provision and that, as a result, the conditions for determining the representativeness of employers' associations have not been changed (section 198 of the revised Labour Law), the Committee wishes to recall that the requirement of too high a percentage for representativeness to be authorized to engage in collective bargaining may hamper the promotion and development of free and voluntary collective bargaining within the meaning of the Convention. ***The Committee therefore invites the Government to continue to assess, together with the social partners, whether the current minimum requirements for representativeness of employers' associations continue to be adapted to the specific characteristics of the country's industrial relations system, with a view to ensuring the promotion and development of free and voluntary collective bargaining.***

The Committee also previously noted that the affiliation of employers' associations to international or regional employers' confederations was a prerequisite for them to be considered as being representative at the national level and requested the Government to pursue consultations with the social partners concerned to ensure that the prerequisites for employers' organizations to bargain at the national level are in line with the Convention. The Committee notes the Government's indication that, while the Rulebook on the manner and procedure of registration of employers' associations and detailed criteria for determining the representativeness of authorized employers' associations (2005) is still in force, further amendments to the Labour Law and the Rulebook should be made in 2022, in particular to create a complete legal basis for the procedure of establishing the representativeness, the manner and the procedure for registration of employers' associations, as well as detailed criteria for determining their representativeness. Welcoming this information, as well as the Government's indication that the Committee's comments will be presented to the tripartite working group so as to achieve full compliance with the Convention, the Committee recalls once again that, for an employers' association to be able to negotiate a collective agreement, it should be sufficient to establish that it is sufficiently representative at the appropriate level, regardless of its international or regional affiliation or non-affiliation. ***In line with the above, the Committee requests the Government to take the necessary measures, including in the context of the upcoming Labour Law reform and in consultation with the social partners, to ensure that the prerequisites for employers' organizations to bargain at the national level are in line with the Convention, in particular with regard to their freedom to affiliate or not to affiliate with international or regional organizations.***

The Committee reminds the Government that the technical assistance of the Office remains at its disposal, if it so wishes, as regards the legal issues raised in this observation.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Morocco

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1957)

Previous comment

The Committee previously asked the Government to provide its comments on the 2017 observations of the International Trade Union Confederation (ITUC) containing allegations of anti-union acts, including dismissals of trade union leaders at a steel company and in the port sector. The Committee notes with ***regret*** that the Government has still not provided any comments on these observations. ***The Committee therefore once again requests the Government to provide its comments on the 2017 ITUC allegations concerning anti-union acts.***

Article 4 of the Convention. Representativeness required for collective bargaining. The Committee previously asked the Government to engage in consultations with the social partners with a view to adopting the Trade Union Bill, thereby easing the conditions for the representativeness required to engage in collective bargaining. The Government indicates in its report that the Trade Union Bill will be discussed in a special committee originating from the "National Charter for the institutionalization of social dialogue" signed by the Government and the social partners.

As regards the representativeness threshold, the Government indicates, firstly, that the proportion of 35 per cent, indicated in section 425 of the Labour Code (2004), stemmed from a consensus between the Government and the employers' and workers' organizations at the time the Code was adopted and, secondly, that the trade unions have the possibility of combining as coalitions, enjoying the same rights as trade unions. While noting this information, the Committee recalls that among the measures envisaged for easing the conditions for representativeness, apart from setting up an inter-union grouping if no union achieves the percentage required to be regarded as representative at the enterprise or establishment level, the Trade Union Bill planned to reduce the rate of representativeness from 35 to 25 per cent. ***The Committee requests the Government to engage as soon as possible in consultations with the social partners, especially within the special committee referred to above, with a view to adopting the Trade Union Bill and thus ease the conditions for the representativeness required to engage in collective bargaining. The Committee requests the Government to provide information on all new developments in this respect.***

Articles 4 and 6. Collective bargaining for certain categories of public servants and employees not engaged in the administration of the State. The Committee previously urged the Government to take all necessary steps to amend the legislation so as to ensure that prison administration staff and lighthouse, water and forestry workers, and also public employees and civil servants who perform duties involving the right to carry a weapon, enjoy the rights to organize and engage in collective bargaining. The Committee once again notes with ***regret*** that the Government merely indicates that: (i) the specific nature of the sectors concerned, and the sensitivity, nature and security aspect of the tasks assigned to the staff in question justify their exclusion from the scope of application of the Convention; (ii) the above-mentioned staff members are obliged to carry a weapon in the course of their duties; and (iii) the above-mentioned categories of workers can group together in various types of association to defend their rights. The Committee once again recalls that prison administration staff and lighthouse, water and forestry workers cannot be deemed to have the same status as the police or armed forces. Hence, they should not be excluded from the scope of the Convention, pursuant to *Article 5* thereof, and should be granted the rights guaranteed under the Convention, including the right to collective bargaining. ***The Committee once again urges the Government to take all necessary steps to amend the legislation to ensure that the above-mentioned categories of workers enjoy the right to engage in collective bargaining. The Committee requests the Government to keep it informed of all progress made in this respect.***

Promotion of collective bargaining. The Committee notes the Government's indications that, further to the implementation in the private sector of the "National Plan to promote collective bargaining" adopted in 2017, a total of 200 establishments have been targeted with a view to concluding collective agreements, and 100 collective agreements have been registered with the governmental labour authority as at 31 December 2023 (43 in industry, 38 in the services sector, 7 in construction and public works, 5 in agriculture, 5 in commerce and 2 in the maritime sector). The Committee also welcomes the Government's indication that, with a view to achieving the objectives of the "National Plan to promote collective bargaining", the Ministry for Economic Inclusion, Small Enterprises, Employment and Skills: (i) has drawn up a methodological and practical guide regarding the promotion and exercise of collective bargaining and the conclusion of collective labour agreements; and (ii) has created a national award for the signatories of three agreements chosen by an evaluation and selection committee.

The Committee further notes the Government's indication that two annual social dialogue sessions are organized in consultation with the social partners, in order to discuss topics proposed by the latter and with the aim of concluding tripartite labour agreements. ***Taking due note of the various above-mentioned elements, the Committee requests the Government to continue providing information on the measures taken to promote collective bargaining and on the number of collective agreements concluded and in force in the country, and the sectors concerned. The Committee once again requests the Government to indicate the number of workers covered by these agreements.***

Mozambique

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1996)

The Committee notes that the Government's report contains no reply to its previous comments. It is therefore bound to repeat its previous comments.

In its previous observation, the Committee noted with regret the lack of action taken by the Government to investigate alleged acts of violence against striking workers in the sugar-cane plantation sector and emphasized that where such cases are brought to the Government's attention, the competent authorities should begin an inquiry immediately and take appropriate measures to bring the perpetrators to justice. The Committee notes that the Government emphasizes that, through the Labour Mediation and Arbitration Commission (COMAL) and the General Inspection of Labour, it is committed to rigorously investigate the events to ascertain the facts and apply the appropriate sanctions to bring about justice. It further notes the Government's indication that it will provide information on the matter in its next reports. ***Recalling that the abovementioned allegations were brought to the Government's attention in 2008, the Committee expects that the events will be investigated shortly, and urges the Government to provide detailed information on the results of the inquiry and, in case of conviction, on the sanctions imposed.***

The Committee also takes note of the observations of Public Services International (PSI) received on 1 October 2020, which refer to the conclusions of the Committee on Freedom of Association in Case No. 3296 and denounce the failure by the Government to amend the legislation to facilitate the registration of a public sector union. ***The Committee requests the Government to provide its comments thereon.***

Article 2 of the Convention. Registration of workers' and employers' organizations. In its last observation, the Committee expected that the Government would take the necessary legislative measures, in full consultation with the social partners, to bring into conformity with the Convention section 150 of the Labour Act, which allows the central authority of the labour administration an unduly restrictive period of 45 days to register a trade union or an employers' organization. It also requested the Government to provide information on the current application in practice of section 150 in the meantime (number of trade unions registered in a year and the time taken by the requesting authorities to register a union). The Committee notes the Government's indication that: (i) the revision process of the Labour Act is not yet completed; (ii) the information on the number of trade unions registered in a year will be provided as soon as available; and (iii) the information on the time taken by the requesting authorities to register a union will be provided as soon as the new Labour Act is approved. ***The Committee expects that the revision process of the Labour Act will be completed in the near future and that, in full consultation with the social partners, the Government will take the necessary measures to ensure that section 150 is brought into line with the Convention. It requests the Government to inform of any evolution in this respect and to provide a copy of the new Labour Act once adopted. The Committee also reiterates its request for the Government to provide information on the practical application of the existing provision, specifically for the years 2019, 2020, and 2021 (number of trade unions registered in a year and the time taken by the requesting authorities to register a union).***

Article 3. Penal responsibility of striking workers. The Committee previously expressed its expectation that the Government would take the necessary measures to amend section 268(3) of the Labour Act, under the terms of which any violation of sections 199 (freedom to work of non-strikers), 202(1) and 209(1) (minimum services) constitutes a breach of discipline for which workers who are on strike are liable under both civil and penal law. The Committee notes that the Government states that the Labour Act is still under revision and that it will inform of the new measures once the revision is completed. The Committee recalls

that it considers that adequate safeguards and immunities from civil liability are necessary to ensure respect for the right of workers to exercise legitimate industrial action. It further recalls that no penal sanction should be imposed against a worker for having carried out a peaceful strike and on no account should measures of imprisonment be imposed except in cases of violence against persons or property or other serious infringements of rights and only pursuant to legislation punishing such acts. ***The Committee trusts that the Government will take all necessary measures to ensure that amendments to the abovementioned provisions are included in its revision of the Labour Act so as to bring these provisions into conformity with the Convention. The Committee requests the Government to provide information on any evolution in this regard and reminds it that it may avail itself of the technical assistance of the Office.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1996)

The Committee notes that the Government's report contains no reply to its previous comments. It is therefore bound to repeat its previous comments.

The Committee previously requested the Government to provide its comments on the 2010 observations made by the International Trade Union Confederation (ITUC) regarding acts of anti-union discrimination in export processing zones. The Committee notes with ***regret*** that the Government once again has not provided any information in this respect.

Articles 1 and 2 of the Convention. Protection against anti-union discrimination and interference. In its previous comments, the Committee requested the Government to take all the necessary measures to be able to provide specific statistics on the number of complaints, including judicial complaints, related to acts of anti-union discrimination and interference, and the number of fines imposed. The Committee notes the Government's indication that four complaints related to acts of anti-union discrimination and interference were registered in 2019 and 2020. It notes however that no information was provided on how these complaints were addressed by the public authorities or on the outcomes of the related procedures. ***Highlighting that the small number of anti-union discrimination and interference complaints may be due to reasons other than an absence of acts of anti-union discrimination and interference, the Committee requests the Government to take the necessary measures to ensure that, on the one hand, the competent authorities take fully into account the issues of anti-union discrimination and interference in their control and prevention activities and that, on the other hand, the workers and employers in the country are fully informed of their rights regarding these issues. The Committee requests the Government to provide information on the measures taken in this regard, as well as specific statistics on the number of complaints, including judicial complaints, related to acts of anti-union discrimination and interference, and the number of fines imposed.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Myanmar

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1955)

Previous comment

The Committee notes the observations of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and of the Myanmar Seafarers Federation (MSF), communicated with the report of the military authorities. The Committee further notes the observations of the International Trade Union Confederation (ITUC) received on 1 September 2022 and 15 November 2024, which concern

the matters addressed below. The Committee also notes the reply of the military authorities to the 2022 ITUC observations. ***The Committee requests that the military authorities provide comments on the 2024 ITUC observations, which point to severe and continued repression of workers and trade unionists in the post-coup context.***

Follow-up to the recommendations of the Commission of Inquiry (complaint made under article 26 of the Constitution of the ILO)

The Committee recalls that the Commission of Inquiry established by the Governing Body to examine the non-observance by Myanmar of this Convention, among others, issued its report on 4 August 2023. The Committee notes that the Governing Body discussed the follow-up to the recommendations of the Commission of Inquiry at its 350th, 351st and 352nd Sessions (March, June and November 2024). At its 352nd Session, the Governing Body noted with utmost concern the absence of any concrete action towards the implementation of the recommendations of the Commission of Inquiry and observed that, according to reports from trade unions, workers in Myanmar continue to face severe oppression and exploitation, denial of basic employment rights, widespread labour rights abuses and violent suppression of workers' protests, exacerbated by the military regime's oppressive tactics, threats and persecution, which have effectively outlawed any form of organized labour. The Governing Body therefore repeated its call for Myanmar to ensure that employers' and workers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, by means of the full implementation of the recommendations of the Commission of Inquiry, which include the revocation of any military orders, legislative or other measures, decreed since February 2021 and identified as restricting freedom of association and the basic civil liberties of trade unionists. The Governing Body also decided to place on the agenda of the 113th Session (2025) of the International Labour Conference an item concerning measures under article 33 of the Constitution to secure compliance by Myanmar with the recommendations of the Commission of Inquiry and requested the Director-General to submit to the Governing Body at its 353rd Session (March 2025) a draft resolution concerning the measures to be taken under article 33 of the ILO Constitution in light of its discussion.

The Committee observes with ***deep concern*** the above information which indicates a complete lack of progress in implementing the 2023 recommendations of the Commission of Inquiry and shows a total denial by the military authorities of the gravity of the situation affecting civil liberties and freedom of association in the country.

Civil liberties. Violence and repression against trade unionists. The Committee previously called for a full and independent investigation into the circumstances of the killings of three unionists (Chan Myae Kyaw, Nay Lin Zaw and Zaw Htwe). The Committee notes the indication of the military authorities that, according to a March 2022 court order, the death of Zaw Htwe was caused by action of the security forces taken in line with the applicable legislation. With regard to the other two unionists, the military authorities reiterate information provided previously (no casualties were found at the protest where Chan Myae Kyaw is said to have been shot and there were no events of a crackdown by security guards where Nay Lin Zaw is said to have died). While further noting the general justification put forward by the military authorities as to the need for the security forces to intervene to counter violent protests that were causing injuries and destruction and were considered as terrorism, the Committee ***deplores*** the repeated reports of continued violence against trade unionists from the ITUC and its affiliates and also observed by the ILO Governing Body and the Committee on Freedom of Association (see Case No. 3405, 407th Report, June 2024, paragraphs 299 and 304). The Committee notes in this respect that the ITUC raises concerns about the increasingly vulnerable situation of workers and trade unionists who continue to face severe repression and grave violations of civil liberties and trade union rights and points to the abduction and killing of two unionists in the southern Sagaing region in May 2022. The Committee recalls that freedom of association can only be exercised in conditions in which fundamental

human rights are fully respected and guaranteed, and in particular those, relating to human life, dignity and personal safety. ***In line with the above, the Committee urges that all measures be taken to cease all action threatening the right to life and physical integrity of trade unionists. It further urges that an investigation be conducted by an independent and impartial entity into the circumstances of killings of trade union members reported by the ITUC and requests to receive a full report on the outcome of such investigations and the measures taken to prosecute and punish the guilty parties.***

Arrest, detention, threats and other restrictions on civil liberties. Having previously noted serious allegations of a number of arrests and detentions of trade unionists, the Committee called for the immediate release of any trade unionists detained or imprisoned for having exercised their trade union rights protected under the Convention. The Committee notes that the military authorities assert that no one has been arrested for peacefully exercising their labour rights, only those who violated the law, and that thousands have been released following the granting of pardons, including the chairperson of the Myanmar Industries Craft and Services Trade Union Federation (MICS-TUsF) in Hmawbi Township and a member of the Confederation of Trade Unions Myanmar (CTUM), who had been detained in Insein prison (released in November 2022 and August 2023), but that some individuals face criminal charges for having committed unlawful acts, including terrorist activities. Similarly, charges have been made in the case of several CTUM executive committee members and of Thet Hnin Aung, the MICS-TUsF General Secretary, who, after having served his first sentence and having been released in March 2023, was rearrested and sentenced to seven years of imprisonment under sections 52(a) of the Anti-Terrorism Law and 505-A of the Penal Code in November 2023 for his involvement in unlawful activities; he remains detained. The Committee notes with ***deep concern*** the continued detention of the MICS-TUsF leader, as well as the observations of the ITUC that the military continue to systematically stigmatize the CTUM, its affiliates and its leaders, associating them with "terrorist organizations", that trade union leaders and activists are arrested simply for having exercised their rights to freedom of speech, assembly and association and that those who remain detained suffer ill-treatment, abuse, torture and sexual assault. The ITUC points to an incident of beatings and arrest of two female unionists from the Industrial Workers' Federation of Myanmar (IWFM) in April 2022 (one was released after having served 2 out of 3 years of her sentence), as well as the arrest of striking workers in a garment factory in the Watayar Industrial Zone in Yangon in August 2024 after the management called in the military, the police, the administration and the ward administrators.

The Committee further notes with ***concern*** that while the military authorities claim that workers and employers can freely exercise freedom of association (a position also supported by the MSF and the UMFCCI), the ITUC reports a tightening control, surveillance and suppression of fundamental freedoms, systematic union busting in all economic sectors and raids on union offices and homes of union leaders, coupled with a lack of labour law enforcement, labour inspection and functioning dispute settlement mechanisms. The ITUC points to several problematic practices, including the use of Workers' Coordination Committees (WCC), the composition of which is mostly hand-picked by the management, to replace trade unions; interference in trade union affairs by requesting workers to re-elect new CTUM leadership; and threats by the management of a sportswear factory in Shwe Lin Ban Industrial Zone to call in the military to arrest striking workers in August 2024. The ITUC argues that it is impossible to exercise freedom of association in the country without a significant risk and raises concerns that without genuine freedom of association, the increasingly vulnerable situation of workers, repression and exploitation will remain hidden and unreported.

The Committee is deeply alarmed at the continuing repression of workers and trade unionists characterized by arrests and other serious restrictions on basic civil liberties, and it urges that all measures be taken to ensure full respect for the basic civil liberties necessary for the exercise of freedom of association, including freedom of opinion and expression, freedom of assembly, freedom of movement, freedom from arbitrary arrest and detention and the right to a fair trial by an independent and impartial tribunal, so that workers' and employers' organizations can carry out their

activities and functions without threat of intimidation or harm and in a climate of complete security. Further, the Committee urges the immediate release of MICS-TUsF leader and any other trade unionists still detained or imprisoned for having exercised their trade union rights protected under the Convention.

Criminalization of basic civil liberties. The Committee also previously requested the repeal of section 505-A of the Penal Code (a broad and vague definition of the term "treason"), the amendment of section 124-A of the Penal Code (a broad wording of "a criminal act") and the revision of section 38(c) of the Electronic Transaction Act (ETA) (penalizing the spreading of false news (undefined)), all of which were introduced or expanded after the February 2021 military coup. The Committee observes that the Commission of Inquiry also considered that the above amendments to the Penal Code were broadly worded, subject to extensive interpretation and used to criminalize legitimate trade union activities and that a number of other amendments (such as section 38(c) of the ETA), expanded the grounds for State regulation of freedom of speech, with a chilling effect on the population; it therefore called on the military authorities to revoke those legislative measures. ***Observing that the above provisions have far-reaching applications that can be brought to bear in a manner so as to compromise the exercise of basic civil liberties necessary for the full exercise of trade union rights and that, since 2021, many reported arrests and detentions of workers, including trade unionists, have been based on these provisions, the Committee calls once again for the repeal of section 505-A of the Penal Code, as well as the revocation of post-2021 amendments to section 124-A of the Penal Code and section 38(c) of the ETA.***

Labour law reform process. In light of the deeply concerning deterioration of the situation in the country, the Committee is strongly convinced that priority must be given to the restoration of democratic and civilian rule. The Commission of Inquiry also observed the importance of taking steps to preserve democracy and considered that democratic institutions were needed for the protection of fundamental rights and freedoms. The Committee nevertheless wishes to recall its previous comments concerning the labour law reform process in the country for further action once the democratic institutions and processes, as well as a democratically elected government, are restored. The Committee notes in this respect that the ITUC points to several pieces of legislation, which need to be brought in line with the Convention, including the ETA; the Law on the Right to Peaceful Assembly and Peaceful Procession, 2016; the Labour Organization Law, 2011; the Settlement of Labour Disputes Law, 2012 and the Special Economic Zone Law, 2014.

Article 2 of the Convention. Minimum membership requirement. The Committee had previously encouraged consultations within the framework of the National Tripartite Dialogue Forum (NTDF) concerning the membership requirements and pyramidal structure set out in the Labour Organization Law so as to ensure that all workers and employers, without distinction whatsoever, are able, not only in law but also in practice, to fully exercise their rights under the Convention, bearing in mind key difficulties faced by parts of the population, such as those in remote areas. ***The Committee trusts that, once a democratically elected government resumes power, genuine tripartite consultations will take place to ensure that all workers and employers, without distinction whatsoever, are able to fully exercise their rights under the Convention and that the membership requirements and pyramidal structure set out in the Labour Organization Law do not restrict this right in practice. The Committee also requests information on any denials of registration, including reasons for such decisions and procedures for review and appeal of such denials.***

Article 3. Eligibility to trade union office. The Committee previously noted the restrictions for eligibility to trade union office set out in the Rules to the Labour Organization Law, including the obligation to have been working in the same trade or activity for at least six months (no initial time period should be required) and the obligation for foreign workers to have met a residency requirement of five years (this period should be reduced to a reasonable level such as three years), as well as the requirement to obtain permission from the relevant labour federation under section 40(b) of the Law in

order to go on strike. ***The Committee once again expresses its expectation that, as soon as conditions permit, all of the above matters will be reviewed within the framework of the legislative reform process in consultation with the social partners so as to ensure fully the rights of workers and employers under the Convention.***

The Law on the Right to Peaceful Assembly and Peaceful Procession, 2016. The Committee recalls from its previous comments that the Chapter on Rules and the corresponding Chapter on Offences and Penalties of the Law on the Right to Peaceful Assembly and Peaceful Procession could give rise to serious restrictions on the right of organizations to carry out their activities without interference (incidents of prosecution of unionists for peaceful protests). ***The Committee therefore calls for all steps to be taken to ensure that workers and employers are able to carry out and support their peaceful activities without threat of imprisonment, violence or other violations of their civil liberties by police or private security and that the Law on the Right to Peaceful Assembly and Peaceful Procession not be used in any way to restrict these rights.***

Settlement of Disputes Law, 2012. The Committee previously noted the 2019 amendments of the Settlement of Labour Disputes Law and requested the text of the amended law and its implementing Rules. The Committee notes that the amended law contains a number of provisions that may in practice raise issues of compatibility with the Convention: (i) section 2(a) adopts a different definition of workers than the one in the Labour Organization Law and excludes certain categories of workers from its scope of application – civil servants, defence services personnel, members of the police and members of the armed forces; (ii) under section 2(f)(vi), the Ministry of Labour, Immigration and Population can unilaterally declare a service essential, in addition to those provided by the law; (iii) section 25 provides for automatic referral of unresolved disputes by the conciliation body to the arbitration body; and (iv) sections 10–22 attribute State entities a crucial role in the appointment, composition and functioning of the dispute settlement mechanisms, which may raise concerns of full independence of these entities from State authorities. ***While noting from the observations of the ITUC and the report of the Commission of Inquiry that, in the present situation, the dispute resolution system is not functioning properly, despite the military authorities suggesting otherwise, the Committee trusts that, once the conditions allow, the Settlement of Disputes Law will be amended to ensure full compliance with the Convention and will be applied in a manner to ensure the effective protection of the right to organize.***

Special economic zones (SEZs). The Committee previously requested all necessary measures to be taken to guarantee fully the rights under the Convention to workers in SEZs, including by ensuring that the Special Economic Zones Law does not contradict the application of the Labour Organization Law and the Settlement of Labour Disputes Law in SEZs, and suggested that this matter be followed up within the framework of the NTDF as soon as conditions permit. ***The Committee reiterates its request.***

The Committee ***deeply deplores*** the far-reaching humanitarian crisis in the country and the reports of continued grave violations of basic civil liberties and labour rights of workers and employers under the military rule, including numerous deaths, massive detentions and arrest of trade unionists, threats, oppression and other serious labour rights violations, which have severely undermined prospects to freely exercise freedom of association in the country. ***Recalling the interdependence of freedom of association and basic civil liberties, also highlighted by the Commission of Inquiry, the Committee strongly urges the military authorities to refrain from any further acts or measures that put in peril, directly or indirectly, the life and safety of workers and trade union members and thereby restrict the free exercise of trade union rights protected by the Convention.*** The Committee is also ***deeply concerned*** with the delay in restoring democratic governance in the country which is necessary for the exercise of freedom of association, the authorities' continued denial of the seriousness of the situation, and the total lack of progress regarding the Committee's previous recommendations and the recommendations of the Commission of Inquiry, despite regular follow-up of the issues by the ILO supervisory mechanisms and the Governing Body. ***Given the urgency and the gravity of the situation, the Committee strongly urges the military authorities to take into account the Committee's requests***

detailed above and to implement without delay the recommendations of the Commission of Inquiry calling for the cessation or reversal of any measures or actions that violate the Convention, and to provide information on all the steps taken in this regard.

Namibia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1995)

Previous comment

Article 2 of the Convention. Right to organize of prison staff. The Committee previously requested the Government to take all necessary steps to ensure that prison staff have the right to establish and join organizations for furthering and defending their interests; and recalls in this respect that a Tripartite Task Force, established to review the Labour Act, 2007, proposed the deletion of section 2(2)(d), which excludes members of the prison services from its scope. The Committee recalls the Government's indication that the Task Force was to submit its final report to the responsible minister before December 2021. The Committee notes the Government's only indication that the Task Force is at an advanced stage with its work and that a copy of the text will be supplied if the amendments are adopted into law. ***Noting with regret that the work of the Task Force has not yet yielded tangible results, as had been previously indicated by the Government, the Committee urges the Government to take measures to expedite the process for adoption of the necessary legislative amendments to ensure that the prison staff enjoy the guarantees under the Convention. The Committee requests the Government to provide information on all progress made in this respect.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1995)

Previous comment

Articles 1 and 2 of the Convention. Protection in practice against acts of anti-union discrimination and interference. The Committee requested the Government to take the necessary measures to ensure that the competent authorities take fully into account in their activities the issue of anti-union discrimination and that workers are fully informed of their rights regarding this issue. The Committee notes the Government's indications that it has implemented a range of initiatives to raise workers' awareness of their rights. The Committee refers to the written information provided by the Government on 24 May 2023 to the Committee on the Application of Standards of the International Labour Conference (Conference Committee) in the context of the preliminary list of individual cases which concerns: (i) an awareness campaign called #KnowYouLabourLaws, to educate the public on labour and employment laws (including the protection against acts of anti-union discrimination and interference); and (ii) a training session for arbitrators organized in collaboration with the ILO on how to handle, among other things, disputes relating to anti-union discrimination.

The Committee also requested the Government to provide any statistics concerning the anti-union discrimination acts reported to the authorities and the decisions taken thereon. The Government indicates that no cases alleging anti-union discrimination were brought to courts or to arbitration. The Committee recalls the importance of receiving information on administrative and judicial practice in order to assess the effective application of the Convention and reiterates that the absence of complaints may be due to reasons other than the absence of acts of anti-union discrimination such as, inter alia, the lack of awareness of workers concerning their trade union rights. ***While taking due note of the actions reported, the Committee requests the Government to intensify its efforts to ensure that, on the one hand, the competent authorities take fully into account in their control and prevention activities the issue of anti-union discrimination, and that, on the other hand, the workers in the country***

are fully informed of their rights regarding this issue. The Committee requests the Government to provide detailed information on measures taken in this regard, as well as to keep providing information on any statistics concerning anti-union discrimination acts reported to the authorities and the decisions taken in this respect.

Articles 1 and 4. Adequate protection against anti-union discrimination and promotion of collective bargaining in export processing zones (EPZs). The Committee notes the Government's indication that EPZ regimes no longer exist in the country. The Committee notes in this regard the adoption of a Special Economic Zone (SEZ) Policy, aimed to ensure a seamless transition from the prior EPZs to a new SEZ regime, and a bill called "Sustainable Special Economic Zones Act" which, when enacted, will repeal the Export Processing Zones Act, 1995. ***The Committee requests the Government to provide clarifications on the date of abrogation of the EPZ regime, as well as on the applicability of the rights enshrined in the Convention in SEZs.***

Article 4. Recognition for the purposes of collective bargaining. The Committee previously requested the Government to ensure that the reform of the legislation by the Tripartite Task Force envisages solutions allowing for the exercise of the right to collective bargaining where no union or group of unions would represent 50 per cent of the workers within the bargaining unit. The Committee ***regrets*** that the Government has not reported any progress in this respect and only indicated, in the aforementioned written information provided to the Conference Committee in 2023, that the amendment of the Labour Act will allow a group of trade unions to be recognized as the exclusive bargaining agent provided that they represent at least 50 per cent of workers in a given bargaining unit. Noting that the Government does not refer to a possible change of the representativeness threshold, the Committee recalls that if no union or group of unions represent the required percentage of workers to be declared the exclusive bargaining agent, collective bargaining rights should be granted to the existing unions, jointly or separately, at least on behalf of their own members. ***In view of the above, the Committee once again requests the Government to ensure that the reform of the Labour Act will grant minority trade unions the right to bargain collectively, at least on behalf of their own members, in cases where no union or group of unions meet the conditions to be considered as representative. The Committee requests the Government to provide information on all progress made in this respect.***

Article 6. Rights of prison staff. The Committee recalls that a Tripartite Task Force was established to review the Labour Act and intended to delete section 2(d) to ensure the right of prison service staff to enjoy the guarantees under the Convention. The Committee notes that the Government limits itself to indicating that a copy of the new Labour Act will be submitted to the ILO once the amendments are signed into law. ***Noting that the work of the Task Force has not yet yielded tangible results, the Committee firmly hopes that said amendments will be adopted in the near future and requests the Government to provide information in this respect.***

Collective bargaining of trade union federations and confederations. In its previous comment, the Committee expressed its expectation that the revision of the Labour Act would explicitly provide the right of federations and confederations to bargain collectively. The Committee notes the Government's only indication that the amendments on this issue are not finalized yet. ***The Committee is therefore bound to repeat its previous request and firmly hopes that said amendments will be adopted in the near future.***

Collective bargaining in practice. ***The Committee requests the Government to provide information on the number of collective agreements concluded and in force in the country, the sectors concerned and the number of workers covered by these agreements.***

Nepal

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
(ratification: 1996)

Previous comment

The Committee notes the observations provided by the General Federation of Nepalese Trade Unions (GEFONT) received on 1 September 2024, which refer to matters examined by the Committee below.

Article 1 of the Convention. Adequate protection against anti-union discrimination. The Committee previously requested the Government to take the necessary measures to introduce in the legislation an explicit prohibition of all acts of anti-union discrimination as well as effective and sufficiently dissuasive sanctions in case of violation of this prohibition. While taking due note of the indications provided by the Government concerning sections 8, 163(1)(c) and (f) of the Labour Act, 2017, and emphasizing the general nature of these provisions, the Committee notes that the Government acknowledges the absence of an explicit prohibition of anti-union discrimination. The Committee welcomes the Government's indication that a tripartite task force to revise the Labour Act was recently created, in which this subject matter could be discussed. The Committee further notes that the Government expresses willingness to conduct different types of activities with respect to anti-union discrimination, such as adopting an awareness programme. ***In view of the above, the Committee firmly hopes that an explicit prohibition of all acts of discrimination based on trade union membership or participation in trade union activities (such as transfers, demotions or refusal of training) at all stages of employment (including recruitment), as well as effective and sufficiently dissuasive sanctions in case of violation of this prohibition, will be introduced into the legislation in the near future. The Committee requests the Government to provide information on any progress made in this respect.***

The Committee also requested the Government to provide information on the number of cases of anti-union discrimination dealt with by the competent authorities, the length of the proceedings and their outcome. The Committee notes the Government's indications that no case was registered on this matter during the reporting period and that there is a need for more awareness in this regard among workers. ***The Committee requests the Government to keep providing information on anti-union discrimination cases brought before the competent authorities and recalls the importance of such information in order to assess the effectiveness of the protection afforded by the Convention. The Committee also requests the Government to provide detailed information on the measures carried out to raise awareness among workers in this respect.***

Article 2. Adequate protection against acts of interference. The Committee previously requested the Government to provide information on the number of complaints of acts of interference examined, the duration of the procedures and the sanctions applied. The Committee notes that no case of interference has been reported. The Committee further notes the observations made by the GEFONT in this regard, namely: (i) the absence of complaints may reflect a lack of awareness among workers or underreporting due to fear of reprisals; and (ii) the Government should implement awareness programmes in this respect, as well as proactively monitor and investigate potential acts of interference by establishing a confidential and independent body. The Committee notes in this respect that the Government emphasizes the need for improving the complaint registration process and recording system, and indicates that updates are currently under development with the ILO's technical assistance in order to have a transparent and accessible complaint mechanism and to collect information on claims related to interference. ***The Committee requests the Government to keep providing information on complaints related to acts of interference, as well as on any development regarding the complaint registration process and recording system.***

Article 4. Promotion of collective bargaining. Negotiation with trade unions versus negotiation with non-union actors. The Committee had requested the Government to provide information on the practical application of section 116(1) of the Labour Act, concerning the composition of collective bargaining committees. In particular, the Committee had requested the Government to clarify which circumstances might impede the election of the trade union authorized to bargain collectively in an enterprise and, therefore, its participation in the collective bargaining committee. The Government indicates that the trade union elections could not be held on time due to the COVID-19 pandemic, and that pursuant to sections 10 to 12 of the Trade Union Rules, 1993, it is currently discussing and coordinating the new election with the stakeholders. ***The Committee expects that the Government will conduct the election of trade unions authorized to bargain collectively without further delay and requests to be informed in this respect. Recalling once again that negotiation with non-union actors should only be possible in the absence of trade unions at the relevant level, the Committee also requests the Government to provide information on the number of collective agreements concluded with trade unions in comparison with non-union actors, the sectors and the number of workers concerned.***

Different levels of collective bargaining. The Committee previously requested the Government to amend section 123 of the Labour Act (which provides a special regulatory regime for collective bargaining in specific sectors) in order to ensure its compatibility with the principles of collective bargaining, which must be promoted at all levels while being free and voluntary. The Committee recalls in particular that it requested the Government to clarify how section 123(3) would allow for sectoral collective bargaining to be compatible with collective bargaining at any level whatsoever. The Committee understands, from the Government's indication, that section 123(3) allows negotiation at all levels, except on matters where sectoral level agreements are already in force. The Committee takes note of the example provided by the Government concerning the tea production sector, where a minimum wage agreement was concluded at the sectoral level, which does not prevent collective bargaining at another level in areas that are not covered by the sectoral agreement. The Committee further notes that the Government will engage in consultations with the relevant stakeholders to ensure the effective implementation and promotion of collective bargaining at all levels. Finally, the Committee notes the observations of the GEFONT that section 123 should be amended to ensure that collective bargaining is not restricted to specific sectors or levels. ***Emphasizing that, in accordance with the principle of free and voluntary collective bargaining enshrined in Article 4 of the Convention, the parties should be free to negotiate, at the enterprise level, collective agreements that improve the working conditions set in sectoral agreements, the Committee requests the Government, in consultation with the social partners, to take the necessary measures to bring section 123 of the Labour Act into full conformity with the Convention. It requests the Government to provide information on any progress made in this respect.***

The Committee had also requested the Government to provide information on the rationale behind the selection of sectors enlisted in section 123 of the Labour Act, as well as the number of collective agreements concluded at the sectoral level in these sectors and in sectors other than those mentioned therein, so to assess the breadth of sectoral collective bargaining in the country. The Government indicates that sectoral collective bargaining was carried out in the sectors mentioned in section 123 before the incorporation of this provision in the Labour Act, hence the existence of this special regime. The Committee ***regrets*** however that the Government does not provide any information concerning the number of sectoral collective agreements in force. ***Recalling that collective bargaining at sectoral level should be possible in all sectors of activity covered by the Convention, the Committee is compelled to repeat its request to the Government to provide information on the number of collective agreements concluded at the sectoral level and the sectors concerned.***

Compulsory arbitration. The Committee had requested the Government to take the necessary measures to ensure that compulsory arbitration can only take place in the situations compatible with the Convention, namely: (i) in the public service involving public servants engaged in the administration

of the State; (ii) in essential services in the strict sense of the term; or (iii) in case of acute national crisis. The Committee notes the Government' s indication that the aforementioned tripartite task force will discuss the issue of compulsory arbitration as part of the revision of the Labour Act. ***The Committee firmly hopes that the legislation will be amended so that compulsory arbitration can only take place in the situations mentioned above. It requests the Government to provide information on any progress made in this respect.***

Composition of arbitration bodies. The Committee had requested the Government to clarify how the arbitration panel and tribunal differ from one another, as well as to indicate the procedure undertaken to select the worker and employer representatives to ensure the full independence of these bodies. The Government indicates that an arbitration panel is a temporary body formed to resolve a specific case, whereas an arbitration tribunal is a permanent body (however not yet established) competent to resolve several cases of a similar nature. Concerning the selection procedure of an arbitration panel's members, the Committee notes that: (i) the Joint Trade Union Coordination Center (JTUCC) and the Federation of Nepalese Chambers of Commerce and Industry (FNCCI) nominate one representative each; and (ii) the Ministry nominates an official as coordinator. The Committee also notes that a specific procedure on arbitration is currently under development, including a procedure for the selection of members to ensure that the arbitration process involves independent representatives. The Committee notes that the GEFONT emphasizes the importance of transparency of this process. ***The Committee requests the Government to provide information concerning the development of the aforementioned procedure on arbitration, and firmly hopes that it will take the necessary measures so that the selection procedure of the members of the arbitration bodies is transparent and guarantees their full independence.***

ILO's technical assistance. The Committee notes that the Government expresses interest in receiving the ILO's technical assistance concerning anti-union discrimination and collective bargaining. It hopes that such assistance will contribute to the full implementation of the Convention in the country.

Netherlands

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1993)

Previous comment

The Committee notes the observations made by the National Federation of Christian Trade Unions (CNV) and the Netherlands Trade Union Confederation transmitted with the Government's report and which refer to questions examined by the Committee, as well as the Government's response thereto.

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination other than dismissal. In its previous comments, the Committee noted that the legislation did not contain provisions specifically prohibiting acts of anti-union discrimination in the course of employment, but only provided for the employer's obligation to be a good employer (section 7:611 of the Civil Code). It also noted the Government's indication that anti-union discrimination acts could be denounced under the Equal Treatment Act to the Recruitment Code Complaints Committee of the Dutch Association for Personnel Management and Organization Development (NVP).

As a result, and in order to ensure that these various provisions and mechanisms were in practice sufficiently protective against acts of anti-union discrimination other than dismissal, the Committee requested the Government to provide detailed and updated information on any complaint of anti-union discrimination brought to the Institute for Human Rights, the NVP, the courts or other competent authorities. The Committee recalls that it has also repeatedly encouraged the Government to engage in dialogue with the most representative workers' and employers' organizations to strengthen protections

for both trade union members and representatives, ensuring coverage of all forms of anti-union discrimination, including those occurring during employment.

The Committee notes the Government's indication that no claim relating to anti-union discrimination has been received by the Institute for Human Rights or the national courts, and no complaint on this issue has been submitted to the NVP since the last report. The Committee also takes note of the renewal of the Government's action plan against labour market discrimination for the 2022–25 period. The Government indicates that this plan enables the Netherlands Labour Authority to monitor companies' and organizations' adherence to labour regulations and impose fines for violations, although no complaint on anti-union discrimination has been reported so far. The Committee finally notes the Government's indication that it has engaged with the social partners on anti-union discrimination during its regular 2023 consultations with the Labour Foundation and its intention to continue this dialogue in the second half of 2024.

The Committee notes that the Netherlands Trade Union Confederation (FNV) and the National Federation of Christian Trade Unions (CNV) allege that: (i) invoking the obligation to be a good employer is too vague to be effective and the burden of proof is placed entirely on the employee; (ii) while work council members are protected under national law against disadvantage, members of a trade union are not; (iii) since the Dutch Equal Treatment Act narrowly defines discrimination grounds, excluding anti-union discrimination, the Institute for Human Rights lacks authority to hear anti-union discrimination cases, and, therefore, the absence of action before this body is not surprising; and (iv) although article 7:670 of the Dutch Civil Code prohibits employers from terminating employment solely due to union membership or participation, this protection does not cover temporary workers, who may face non-renewal without explanation.

The Committee notes the Government's reply under the Collective Bargaining Convention, 1981 (No. 154), indicating that the Equal Treatment Act regulates the prohibition of discrimination based on different grounds, including with respect to union members, since it prohibits direct and indirect discrimination based on political opinion or belief or any other ground.

The Committee takes note of these different elements. It observes both the absence of specific provisions explicitly prohibiting anti-union acts in the course of employment and the absence, since the last report of the Government of any complaint alleging anti-union discrimination before the different bodies signalled by the Government as competent for receiving and processing such complaints. The Committee stresses in this respect that the general nature of the provisions cited by the Government, which do not refer specifically to anti-union discrimination, may constitute an obstacle to the lodging of complaints in this area.

In light of the above, and emphasizing the need to adopt specific legislative provisions in relation to anti-union discrimination (see the 2012 General Survey on the fundamental Conventions, paragraph 174), the Committee requests the Government to take, in consultation with the representative social partners, the necessary measures to adopt specific provisions that, as it is already the case for anti-union dismissal, explicitly prohibit anti-union discrimination in the course of employment, providing for effective procedures and dissuasive sanctions. The Committee further requests the Government to provide its comments on the FNV and CNV allegations that temporary workers would not be adequately protected against the non-renewal of contracts based on anti-union grounds.

Article 4. Self-employed workers and the use of machinery and procedures to facilitate and promote collective bargaining. The Committee recalls that it has been examining the restrictions placed on the right to collective bargaining of self-employed workers as a result of decisions of the Netherlands Authority for Consumers and Markets (ACM). In its last comment, the Committee took note of the ACM's 2017 and 2019 guidelines, on price arrangements between self-employed workers which recognized the right to collective bargaining to certain limited categories of self-employed workers (those who work

side-by-side with employees). The Committee also noted that the ACM would not impose fines in respect of arrangements between and with self-employed workers aimed at guaranteeing their subsistence level.

The Committee thus recalled that: (i) the Convention only provides for exceptions to its personal scope of application in respect of the armed forces and the police *(Article 5)* and public servants engaged in the administration of the State *(Article 6)*, and that it therefore applies to all other workers, including self-employed workers; and (ii) a limitation of the material scope of collective bargaining in respect of remuneration to the mere guarantee of subsistence conditions would be contrary to the principle of free and voluntary collective bargaining recognized by *Article 4* of the Convention. On that basis the Committee invited the Government to hold consultations with the parties concerned to ensure that all workers covered by the Convention, irrespective of their contractual status, are authorized to participate in free and voluntary collective bargaining.

The Committee notes with ***interest*** the Government's indication that in February 2023, the ACM published a revision of its guidelines on price arrangements, now allowing self-employed workers in the Netherlands to bargain under the full scope of the 2022 European Commission *Guidelines on applying the European Union competition law to collective agreements regarding the working conditions of solo self-employed persons*. The Government also points out that these European guidelines, which outline how self-employed workers can engage in collectively bargaining without violating EU competition rules, are directly applicable to Dutch national law, as competition law is primarily regulated at the European level. In this respect, the Committee takes note of the FNV and CNV's observation that trade unions have not yet experienced the practical application of the ACM guidelines. The Committee notes that the Government also indicates that three seats on the Dutch socio-economic Council (SER) have been allocated to representatives of, and experts on, self-employed workers. ***Recalling its previous comments concerning the personal and material scope of collective bargaining under the Convention and while welcoming the information provided, the Committee invites the Government to: (i) promote dialogue between all the parties concerned in order to foster the development of collective bargaining mechanisms for the various categories of self-employed persons and provide information in this respect; and (ii) provide detailed information on the number and content of collective agreements concluded involving self-employed workers, as a result of the new ACM guidelines.***

Articles 2 and 4. Protection against interference in the context of collective bargaining mechanisms. In response to concerns raised by several trade unions that small unions or those lacking sufficient independence were signing collective agreements which applied to all workers pursuant to the Dutch collective bargaining system, the Committee previously requested the Government to provide information on: (i) the mechanisms available to guarantee that the will of the most representative workers' organizations is taken into account in the negotiation, conclusion and extension of collective agreements; (ii) the criteria applied in order to assess the independence of a union and any existing case law on the subject; and (iii) the number of collective agreements concluded and the number of those extended, where the signatory workers' organization is not the most representative in the bargaining unit concerned.

The Committee notes that, in their 2024 observation, the FNV and CNV: (i) highlight the lack of information provided by the Government with respect to the indicators used in the country to establish the representativeness and independence of trade unions ; (ii) refer to a 26 April 2024 Supreme Court ruling, in which the Court, based in particular on the representativeness, of the FNV, did consider that a company was obliged to negotiate with the FNV rather than with a work council; and (iii) reiterate that, despite this ruling, since the Dutch legislation does not impose representativeness and independence requirements on unions seeking to conclude collective labour agreements (CLAs), employers can bypass unions that can provide the most counterbalance, therefore undermining the authenticity and effectiveness of the entire bargaining process.

The Committee notes that the Government: (i) reiterates that the only legal requirement imposed to the parties for the registration of CLAs is that they must be authorized to conclude such agreements under their statutes; (ii) indicates that it is currently engaging in discussions with the social partners about the CLA-system, including topics such as the principle of independence and the collective agreement coverage in the Dutch system; and (iii) it is studying the verdict of the Supreme Court ruling mentioned by the FNV and CNV.

The Committee notes that the information provided by the Government and by the trade union confederations confirms the absence in the legislation of criteria of representativeness and independence in order to determine, in a context of trade union pluralism, the trade union organizations entitled to sign collective agreements (which, according to Dutch law, apply to all the workers in the bargaining unit). The Committee notes that the Supreme Court decision cited by FNV and CNV relies on the representativeness of a trade union organization to determine its right to demand to enter into negotiations with an employer. The Committee notes however that it has not received any information concerning any court decisions setting a certain representativeness threshold in order for a union to be able to conclude a collective agreement. In this respect, the Committee reiterates that it considers that a system that would allow a collective agreement to be applied to all workers in a bargaining unit despite of being opposed by the most representative trade unions concerned, would raise problems of compatibility with the principle of free and voluntary collective bargaining recognized by the Convention. ***Taking due note of the Government's indication of ongoing consultations with the social partners concerning the collective bargaining system in the country, the Committee requests the Government to take the necessary measures, in consultation with the social partners, to introduce representativeness and independence requirements for the signing of collective agreements in situations where there are several trade union organizations within the same bargaining unit. The Committee requests the Government to provide information on any progress in this respect. In light of the aforementioned Supreme Court ruling, the Committee further requests the Government to provide information on the possibility under the Dutch system to engage in collective bargaining with work councils rather than with trade unions.***

Sint Maarten

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Previous comment

The committee takes note of the observations of the International Organisation of Employers (IOE) received on 30 August 2024, reiterating the comments made in the discussion held in the Conference Committee on the Application of Standards (Conference Committee) in June 2024 on the application of the Convention. The Committee further notes the observations of the Employer Council St Maarten (ECSM), received on 30 October 2024, and of the Windward Islands Civil Servants' Union/Private Sector Union (WICSU/PSU), the Windward Islands Teachers Union (WITU), the Windward Island Health Care Union Association (WIHCUA) and the Algemene Politie Bond (NAPB), received on 2 November 2024, referring to the issues addressed by the Committee below and alleging difficulties with the exercise of freedom of association rights in practice. ***The Committee requests the Government to provide its comments thereon.***

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee takes note of the discussion that took place in the Conference Committee in June 2024 concerning the application of the Convention. The Committee observes that the Conference Committee requested the Government to: (i) define, in meaningful and effective consultation with respective social partners, criteria of representativeness of employers' and workers' organizations that

are clear, pre-determined and objective; (ii) engage in meaningful and effective dialogue with workers' and employers' organizations on all matters affecting their interests or the interests of their members, in full compliance with the Convention, including on the composition of the socio-economic council (SER); and (iii) take the necessary measures to ensure that workers' and employers' representatives on the SER are only appointed by fully autonomous organizations freely established or chosen by workers and employers, and convene the SER without delay. Finally, the Conference Committee requested the Government to provide information on the above measures including all outstanding information requested by the Committee of Experts by 1 September 2024.

The Committee notes the report of the ILO technical assistance mission, carried out on 20–24 October 2024, which consisted of a tripartite workshop on this Convention and on the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), to improve understanding of these instruments by the tripartite constituents. The Committee notes from the mission report that the workshop resulted in an agreement that a series of measures needed to be taken at the national level with a view to: (i) establishing criteria for representativity; (ii) strengthening bipartite social dialogue between workers and employers; (iii) enhancing transparency and the social partners' inclusion in the decision-making processes; and (iv) expanding opportunities for training and capacity-building for the tripartite constituents. ***The Committee welcomes this development and requests the Government to provide information on all steps taken to implement the agreed upon measures, which also aim at addressing the Committee's comments below***.

Article 3 of the Convention. Right of organizations to elect their representatives in full freedom. The Committee previously noted the information from the ECSM that the Government has granted the Soualiga Employer Association (SEA), whose establishment had been facilitated by a governmental agency, one seat at the SER, and had strongly urged the Government to ensure that workers' and employers' representatives to the SER were only appointed by organizations which were freely established or chosen by workers and employers. The Committee notes the Government's statement to the Conference Committee that it has re-evaluated its position and decided not to include the SEA in the process of nominating members to the SER. It notes, however, from the discussion that took place at the Conference Committee and the mission report, that the Government has nominated to the SER a third association, the Small Properties Association and that the ECSM was challenging the nomination. The Committee notes that in its report, the Government indicates that the process of appointing members to the SER has been finalized and assures that employers' and workers' representatives appointed as members of the SER were nominated by employers' and workers' organizations that were freely established or chosen by employers or workers respectively. The Committee notes with ***deep regret***, however, that the Government's indication appears to contradict the information shared by the social partners during the tripartite workshop in October 2024, who raised concerns about the lack of consultation with social partners in the SER's formation process. The Committee nonetheless welcomes that, as a result of the October 2024 workshop, the tripartite parties agreed: (i) for the workers and employers to jointly develop criteria for representativity and present it to the Government; (ii) to establish a working group that consists of equal numbers of representatives of employers and workers; and (iii) to establish a timeframe for the response of the Government within two weeks of submitting the proposal. ***The Committee, like the Conference Committee, requests the Government to: (i) define in meaningful and effective consultation with its social partners, criteria of representativeness of employers' and workers' organizations that are clear, pre-determined and objective; (ii) engage in meaningful and effective dialogue with workers' and employers' organizations on all matters affecting their interests or the interests of their members, in full compliance with the Convention, including on the composition of the SER; and (iii) take the necessary measures to ensure that workers' and employers' representatives on the SER are only appointed by fully autonomous organizations freely established or chosen by workers and employers, and convene the SER without delay. The Committee expects the Government to provide information on all progress made in this regard.***

Right of workers' organizations to organize their administration and activities. In its previous comments, the Committee requested the Government to specify whether public employees, including teachers, who were prevented from striking by virtue of section 374(a), (b) and (c) of the previous Penal Code, were forbidden from striking under the Penal Code of 2015. It also noted that the National Ordinance on Substantive Civil Service Law had been amended to allow the courts to forbid strikes which threatened public welfare or safety and requested the Government to provide detailed information on the circumstances in which strikes may be prohibited based on that Ordinance. The Committee notes the Government's indication that the new Penal Code, Civil Code and Civil Service Law do not contain provisions that infringe on the right to strike of workers in either the private or public sector and that employees, public servants, including teachers, or their representative workers' organizations, have the right to collective action, such as strike. According to the Government, this right is derived from the European Social Charter, applicable to Sint Maarten, and case law. The Committee further notes the Government's indication that restrictions on the right to strike can only be imposed by court if deemed necessary, for example in cases involving emergency services (police, fire brigade or ambulance). The Government further indicates that in making its determination, the court assesses whether the right to strike can be limited on the basis of such circumstances as the nature and duration of the strike; the purpose of the strike; the damage to the interests of the employer or third parties; and compliance with "the so-called 'strike' rules", in particular whether the strike was resorted to too quickly. The Committee observes from the mission report that during the tripartite workshop, workers' representatives indicated that rules for exercising the right to strike were not clear and that there was a need for further discussion on the exercise of the right to strike in the public sector. ***The Committee requests the Government to take necessary measures, in consultation with the social partners, to ensure the effective protection, in law and in practice, of the right to strike. The Committee requests the Government to provide information on all steps taken to this end.***

New Zealand

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 2003)

Previous comment

The Committee notes the observations of Business New Zealand (BusinessNZ) and the International Organisation of Employers (IOE) received on 31 August and 10 November 2022 on issues raised in its previous comment and the Government's reply thereto. The Committee further notes the observations of the New Zealand Council of Trade Unions (NZCTU) received on 24 October 2024 and the Government's reply.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 110th Session, May-June 2022)

The Committee notes the discussion held in the Committee on the Application of Standards of the International Labour Conference (Conference Committee) in June 2022 in which the Conference Committee urged the Government, in consultation with the social partners, to: (i) continue to examine, in cooperation and consultation with the social partners, the proposed new legislation (draft Fair Pay Agreements Bill and the draft Screen Industry Workers Bill) to consider the impact of the proposed legislation and to ensure compliance with the Convention; and (ii) prepare, in consultation with the most representative employers' and workers' organizations, a report on these measures to be submitted in accordance with the regular reporting cycle.

The Committee notes the Government's indication that the Fair Pay Agreements Act which came into force on 1 December 2022 was repealed by the current administration, in order to ensure flexibility and improve business certainty, with the Fair Pay Agreements Act Repeal Act which came into force on

20 December 2023. The Committee further takes due note of the opposing views expressed by BusinessNZ and NZCTU accompanying the Government's report in relation to the Fair Pay Agreements and their repeal.

As regards the screen industry, the Committee noted in its previous comments the establishment of the Film Industry Working Group in 2017 consisting of industry, business and worker representatives and its October 2018 recommendations suggesting a bespoke workplace relations regime for contractors in the screen industry resulting in the Screen Industry Workers Bill. The Committee trusted that the Bill would ensure that all film and television workers can fully enjoy the rights and guarantees set out in the Convention and requested the Government to transmit a copy of the final version of the Bill once approved and provide information on its application in practice. The Committee notes with ***satisfaction*** the adoption of the Screen Industry Workers Act 2022 which implements a model unanimously agreed to by representatives from industry guilds, unions, and production companies, as well as the NZCTU and BusinessNZ, creating a workplace relations regime for contractors in the screen industry and introducing rules for individual contracts and a duty of good faith, allowing collective bargaining at the occupational and enterprise levels and providing access to dispute resolution services. While observing from the Act that, once collective bargaining has begun, there is an obligation to conclude an agreement coupled with a prohibition of industrial action and compulsory arbitration in the event of failure of voluntary dispute resolution processes, the Committee understands that these provisions were agreed to by all relevant social partners with a view to creating a framework for industrial relations to respond to the specificities of a sector which had until then been wholly excluded from the national regime embodied in the Employment Relations Act. ***Noting the Government's indication that collective bargaining under the Act has not yet commenced, the Committee requests the Government to provide information on the number of requests to initiate bargaining under the Act and any collective bargaining agreements concluded.***

Article 4. Voluntary nature of collective bargaining. In its previous comments, the Committee noted the detailed observations made by BusinessNZ and the IOE in relation to the obligation to conclude a collective agreement unless there is a "genuine reason" not to under sections 31 and 33, as amended by the Employment Relations Amendment Act, 2018, and the possibility for courts to compulsorily fix the terms of a collective agreement under section 50J and the Government's reply thereto. It requested the Government to provide detailed information on the use and practical implementation of these sections and in particular on any specific cases where genuine reason not to conclude a collective agreement was either found to be present or not and the resulting consequences.

The Committee takes due note of the detailed information provided by the Government on the process of elaboration of these provisions in the Employment Relations Act, 2000 (ERA) and their consideration by judicial authorities in a number of cases before them, in particular as regards the meaning of the terms "genuine reason, based on reasonable grounds". The Committee further observes BusinessNZ's reiteration of its consideration that section 50J is contrary to the voluntary nature of collective bargaining and points to what it sees as contradictory reflections in the court judgments provided by the Government which maintain that section 50J is seen as an "effective remedy" to the lack of "genuine reasons based on reasonable grounds" to not conclude a collective agreement, while they acknowledge the lack of definition of what constitutes "reasonable grounds". Finally, the Committee notes that the NZCTU disagrees with the views expressed by BusinessNZ and maintains that the statutory obligation for bargaining parties to act in 'good faith' is a vital element of the bargaining machinery referred to in the Convention and the limited caselaw on the subject demonstrates that the statutory mechanism for 'fixing' collective terms is applied only in rare circumstances. The Government for its part notes that the topic of section 50J of the ERA has been extensively discussed in its previous report to the Committee, and therefore simply takes note of both the BusinessNZ and the NZCTU further comments.

In these circumstances, the Committee recalls its previous comment in which it emphasized that ensuring the voluntary nature of collective negotiations is inseparable from the principle of negotiation in good faith if the machinery to be promoted under *Article 4* of the Convention is to have any meaning. The Committee recalls that sections 31, 33 and 50J as currently drafted had not given rise to any comments by the social partners for the decade in which they were jointly in force until the application of section 50J in 2019 in one case imposing a collective agreement for a period of 14 months on an employer found to have been in serious and sustained breach of the duty of good faith. It further observes from the information provided by the Government in a general section on judicial decisions that there was one case where this provision was successfully used by an employer to obtain an award by the Employment Relations Authority against a union that was found not to be negotiating in good faith. Neither of the social partners make reference to this case nor do they indicate any other case in which section 50J has been applied to enforce an agreement. ***In these circumstances, the Committee requests the Government to continue to provide detailed information on the use and practical implementation of sections 31, 33 and 50J and in particular on any specific cases where genuine reason not to conclude a collective agreement was either found to be present or not and the resulting consequences.***

The Committee notes the latest observations from the NZCTU on behalf of its affiliates the New Zealand Educational Institute (NZEI Te Riu Roa) and the Post Primary Teachers Association Te Wehengarua (PPTA) in relation to the recent adoption of the Education and Training Amendment Act 2024. The NZCTU contends that the Act violates its affiliates' collective bargaining rights under the Convention by extinguishing collective agreement coverage for employees of state schools that convert to charter school status and prohibiting unions from initiating multi-employer collective bargaining with more than one charter school sponsor (employer) or with a sponsor and any other employer or employers.

The Committee notes the Government's reply indicating that charter schools are a different type of school in New Zealand, operated by an independent "sponsor" under contract with the Government, while being fully funded by the State in exchange for meeting contractual requirements. The charter schools model aims to provide greater flexibility to charter schools, increase schooling choice for families, give educators more autonomy to innovate, and raise overall student achievement, especially for students who are underachieving or disengaged from the current system. As regards the issue raised related to the extinguishment of collective agreement coverage, the Committee takes due note of the Government's indication that section 119(1)(a) provides that employees will be transferred on terms and conditions that are "no less favourable overall" to those that applied to the person immediately before they became an employee of a sponsor. The transferred terms and conditions will remain in place until they are varied by agreement between the transferred employee and the sponsor (on an individual employment agreement), or the transferred employee becomes bound by a collective agreement (section 119(2)). The term "no less favourable overall" is used as there will be some terms and conditions that cannot practically be provided by sponsors and where alternative arrangements will need to be found. As regards the restrictions on multi-employer collective agreements, the Government indicates that unions will continue to be able to initiate bargaining for a single employer collective agreement with the sponsor of a charter school and adds that this restriction is aimed at ensuring the flexibility which is a fundamental element of the charter school model.

The Committee first recalls the need to ensure that collective bargaining should be possible at all levels, including multi-employer, and that the decision as to the level of bargaining is essentially a matter for the parties (see the 2012 General Survey on the fundamental Conventions, paragraph 222). ***Observing the recent adoption of these legislative provisions, the Committee, in order to be able to better evaluate the impact of the new legislation on the rights recognized by the Convention, requests the Government to provide detailed information on the number of workers in newly-established or converted charter schools, the number of collective agreements concluded and their coverage and any***

complaints made of less favourable terms and conditions of employment than those previously existing under the collective agreement.

Nicaragua

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1967)

Previous comment

The Committee notes the observations of the International Organisation of Employers (IOE) received on 1 September 2024 reiterating the comments made to the Conference Committee on the Application of Standards (Conference Committee) in June 2024 on the application of the Convention by Nicaragua.

Complaint under article 26 of the ILO Constitution

The Committee recalls that at its 349th Session, in October 2023, the Governing Body declared receivable a complaint made under article 26 of the Constitution by a group of Employer delegates to the International Labour Conference in 2023, alleging non-observance by Nicaragua of the Convention, and of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Committee notes that at its 350th Session, in March 2024, the Governing Body: (i) noted the deep concern of the Committee and the Conference Committee in their latest examination of the implementation by the Government of Nicaragua of the Conventions that are the subject of the article 26 complaint; (ii) urged the Government to address, as a matter of urgency, the serious compliance gaps identified and to accept ILO technical assistance to that effect; (iii) requested the Government and the social partners to provide detailed information on all the issues raised in the complaint to the 352nd Session (October–November 2024); (iv) deferred to its 352nd Session the decision to consider further action in respect of the article 26 complaint, in light of the follow-up given to the above.

The Committee also notes that, at its 352nd Session in November 2024, the Governing Body: (i) reiterated the deep concern expressed by the Committee and by the Conference Committee in their latest examination of the implementation by the Government of Nicaragua of the Conventions that are the subject of the article 26 complaint; (ii) deplored the lack of meaningful engagement of the Government, and the fact that it had responded to none of the Office communications and had not provided the information requested by the Governing Body; (iii) urged the Government to address the issues raised in the complaint as a matter of urgency; (iv) called on the Government to respond to the Office communications and to provide the information requested since the 350th Session (March 2024) of the Governing Body as soon as possible; and (v) decided to send a high-level tripartite mission to assess the issues raised in the complaint, and to provide a full report to the Governing Body at its 353rd Session (March 2025) and to defer the decision on further action in accordance with article 26 of the Constitution to that session.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion that took place in the Conference Committee at the 112th Session (2024) and observes that, having deeply deplored the persistent climate of intimidation and harassment of independent workers' and employers' organizations and having noted with deep concern the allegations of the arrest and detention of employer leaders and the further deterioration of the situation, the Conference Committee urged the Government, in the strongest terms, to:

- ensure that workers and employers can establish their own organizations and operate without interference and, in that regard, ensure that the Higher Council for Private Enterprise of Nicaragua (COSEP) is able to operate again without previous authorization in line with *Article 2* of the Convention;
- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with the exercise of legitimate activities of both trade unions and employers' organizations, and adopt measures to ensure that such acts are not repeated;
- ensure that representatives of employers' organizations who have been deprived of Nicaraguan nationality have it restored without delay;
- take all measures necessary to ensure that there is a climate free of fear and intimidation regarding the exercise of freedom of association rights;
- immediately release any employer or trade union member who may be imprisoned in connection with the exercise of the legitimate activities of their organizations and report on all the measures adopted to ensure compliance with such request;
- restore social dialogue with its independent social partners without further delay including the establishment of a tripartite dialogue round table under the auspices of the ILO, as recommended by the Conference Committee in 2022 and 2023;
- provide information on all the measures adopted to ensure that effect is given to each of the recommendations made by the Conference Committee and on any progress achieved in the implementation of these measures.

The Conference Committee also urged the Government to fully respect these conclusions and to avail itself of the technical assistance of the ILO to ensure full compliance with them.

Trade union rights and civil liberties. The Committee notes the deep concern expressed by the Conference Committee with regard to the allegations of the arrest and detention of employer leaders and the further deterioration of the situation and ***regrets*** to note that the Government does not indicate that it has taken any measures to give effect to the recommendations made in this respect. The Committee notes that a report by the Office of the United Nations High Commissioner for Human Rights published on 3 September 2024 refers to continued human rights violations and the erosion of civic and democratic spaces. The report indicates that the human rights situation in Nicaragua has seriously deteriorated since last year, with increasing cases of arbitrary detentions, intimidation of opponents, ill-treatment in custody and violations of the rights to freedom of expression, association and assembly. The report also indicates that, in August 2024, 1,700 organizations were shut down in the most severe blow inflicted to civil society, bringing the total number of dissolved organizations to over 5,000 since 2018. The Committee also notes that on 1 October 2024, the Inter-American Commission on Human Rights filed a case against Nicaragua with the Inter-American Court of Human Rights concerning the violation of trade union rights in Nicaragua.

The Committee, in the same way as the Conference Committee, ***deeply deplores*** the persistent climate of intimidation and harassment of independent workers' and employers' organizations and reiterates its ***deep concern*** regarding the allegations of the arrest and detention of employer leaders since last year and the further deterioration of the situation. The Committee recalls that the interdependence of respect for fundamental rights and freedom of association implies, in particular, that the public authorities cannot interfere in the legitimate activities of organizations by means of arrests or arbitrary detention (see the 2012 General Survey on the fundamental Conventions, paragraph 60). The Committee notes with ***deep concern*** that the Government does not indicate that it has taken any measures to give effect to the requests of the Conference Committee in 2022, 2023 and 2024, nor does it refer to the possibility of availing itself of ILO technical assistance in this regard. ***The Committee therefore once again urges the Government, in the strongest possible terms, to adopt as***

soon as possible, in consultation with the social partners, each and every measure that it has been urged to take by the Conference Committee. It also requests the Government to provide information on any progress achieved in the implementation of these measures. The Committee once again urges the Government, with a view to achieving tangible progress in this regard, to have recourse to ILO technical assistance to ensure full compliance with its obligations under the Convention. Finally, the Committee hopes that the high-level tripartite mission can take place as requested by the Governing Body.

Article 2 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and to join organizations without previous authorization. The Committee observes that in 2023 and 2024, the Conference Committee urged the Government to ensure that workers and employers can establish their own organizations and operate without interference, and, in this regard, that COSEP, Nicaragua's most representative employers' organization, the legal status of which was annulled through a ministerial decision of 2023, can again operate without previous authorization, in accordance with *Article 2* of the Convention. The Committee notes the Government's indication in this regard that: (i) full freedom of association exists in the country and the Government is continuing to take initiatives in support of the right of workers to organize; and (ii) trade union organizations play a leading role in defending labour rights and it is not a crime in the country to carry out trade union activities, as long as this is done in accordance with laws and regulations in force. The Government indicates, as it has done in previous reports, that since 2007 it has been working to ensure the restoration and protection of the labour rights of workers through ongoing, inclusive and participatory social dialogue and consensus as the principal means of achieving labour stability and peace. The Government also notes that it has been carrying out tripartite dialogue in accordance with the recommendations of the Conference Committee. The Government indicates that there are no new legal status applications pending approval for trade unions in the country and that this shows that attention is given and that there is political will to ensure that organized workers develop their own plans for carrying out trade union activities. While noting these indications, the Committee ***regrets*** to note that the Government merely reiterates general assertions without providing specific information on the measures that it has been urged to take by the Conference Committee. The Committee recalls that *Article 2* of the Convention guarantees all workers and employers, without distinction whatsoever, the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing. The Commission also recalls that the principal objective of the Convention is to protect the autonomy and independence of workers' and employers' organizations in relation to the public authorities, both in their establishment and in their functioning and dissolution (see the 2012 General Survey on the fundamental Conventions, paragraph 55). ***Referring to the recommendations of the Conference Committee, the Committee urges the Government to take all the necessary measures to ensure the full application of the Convention. The Committee requests the Government to provide information on any measures taken in this respect.***

Article 3. Right of workers' organizations to organize their activities in full freedom and to formulate their programmes. For over a decade the Committee has been referring to the need to take measures to amend sections 389 and 390 of the Labour Code, which provide that collective disputes shall be referred to compulsory arbitration once 30 days have elapsed after the calling of a strike. The Committee notes the Government's indication that, while compulsory arbitration is the most extreme measure in the event of failure to obtain absolute consensus in collective bargaining, such a measure has not been implemented in recent times thanks to the correct use of alternative methods for labour dispute resolution. The Government indicates that the Ministry of Labour establishes dialogue and consensus round tables in the event of collective disputes, where the administrative body participates as a facilitator in seeking a rapid and effective solution for the parties. The Government indicates that the successful outcomes in conflict management render unnecessary the amendment of sections 389 and 390 of the Labour Code. While noting these indications, the Committee is once again bound to remind the Government that a law authorizing the imposition of compulsory arbitration to end a strike, beyond

the cases in which a strike may be limited or even prohibited, is contrary to the right of workers' organizations to organize their activities and to formulate their programmes in full freedom. ***The Committee therefore once again strongly urges the Government to take the necessary measures to amend sections 389 and 390 of the Labour Code in order to ensure that compulsory arbitration is only possible in cases in which strikes may be limited or even prohibited, namely, in cases of disputes in the civil service involving officials exercising authority in the name of the State, in essential services in the strict sense of the term or in the event of an acute national crisis. The Committee requests the Government to report any developments in this respect and firmly hopes that progress will be achieved in compliance with the Convention.***

Article 11. Protection of the right to organize. The Committee notes that the Government reiterates that it is continuing to promote initiatives in support of the right to organize, that policies have been adopted to promote and encourage trade union organization and that, in 2023 and the first quarter of 2024, 43 new trade union organizations were established, with a membership of 1,442 workers and that the existing 1,244 unions that have 104,177 members were updated. ***While noting the updated information provided by the Government, the Committee once again regrets to have to draw the Government's attention to the fact that the rights, both of workers' and employers' organizations protected by the Convention, are totally void of meaning when there is no respect for fundamental freedoms, the right to protection against arbitrary detention and imprisonment and the right to a fair trial by an independent and impartial tribunal. The Committee therefore once again requests the Government, in light of the above and taking into account the conclusions of the Conference Committee, to provide detailed information on the initiatives adopted to guarantee the free exercise of the right to organize by both employers and workers.***

[The Government is asked to reply in full to the present comments in 2025].

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1967)

Previous comment

Complaint under article 26 of the ILO Constitution

The Committee recalls that at its 349th Session, in October 2023, the Governing Body declared receivable a complaint made under article 26 of the Constitution by a group of Employer delegates to the International Labour Conference in 2023, alleging non-observance by Nicaragua of this Convention, as well as of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Committee notes that at its 350th Session, in March 2024, the Governing Body: (i) noted the deep concern of the Committee and the Committee on the Application of Standards of the Conference (hereinafter the Conference Committee) in their latest examination of the implementation by the Government of Nicaragua of the Conventions that are the subject of the article 26 complaint; (ii) urged the Government to address, as a matter of urgency, the serious compliance gaps identified and to accept ILO technical assistance to that effect; (iii) requested the Government and the social partners to provide detailed information on all the issues raised in the complaint to the 352nd Session (October–November 2024); and (iv) deferred to its 352nd Session the decision to consider further action in respect of the article 26 complaint, in light of the follow-up given to the above.

The Committee also notes that, at its 352nd Session in October–November 2024, the Governing Body: (i) reiterated the deep concern expressed by the Committee and by the Conference Committee in their latest examination of the implementation by the Government of Nicaragua of the Conventions that are the subject of the article 26 complaint; (ii) deplored the lack of meaningful engagement of the Government, and the fact that it had responded to none of the Office communications and had not

provided the information requested by the Governing Body; (iii) urged the Government to address the issues raised in the complaint as a matter of urgency; (iv) called on the Government to respond to the Office communications and to provide the information requested since the 350th Session (March 2024) of the Governing Body as soon as possible; and (v) decided to send a high-level tripartite mission to assess the issues raised in the complaint, and to provide a full report to the Governing Body at its 353rd Session (March 2025) and to defer the decision on further action in accordance with article 26 of the Constitution to that session.

Article 4 of the Convention. Promotion of free and voluntary collective bargaining. In its previous comment, the Committee hoped that the Government would continue taking measures to strengthen the promotion of collective bargaining in all sectors, including export processing zones, and requested the Government to provide fuller information on the collective agreements signed and in force for all private sector and public sector activities. The Committee notes the Government's indication that from 2021 until the first quarter of 2024, 191 collective agreements were signed covering 348,883 workers, 188,743 of whom are women. Of these collective agreements, 19 concern the country's export processing zones, benefiting 67,596 workers, 36,728 of whom are women.

While taking note of the statistical information provided and the Government's intention to further promote collective bargaining in general, the Committee observes that in 2023 and 2024, in the context of the examination of the application of Convention No. 87 by the Conference Committee, it was mentioned that the legal status of 19 employers' organizations, including the umbrella organization, the Higher Council for Private Enterprise of Nicaragua (COSEP), had been annulled through Ministerial Decisions Nos 26/2023 and 27/2023 of the Minister of the Interior. The Committee notes that, on that basis, the Conference Committee urged the Government in the strongest terms to ensure that workers and employers can establish their own organizations and operate without interference, and, in this regard, that COSEP, Nicaragua's most representative employers' organization, can again operate without previous authorization, in accordance with *Article 2* of the said Convention. The Committee recalls that by virtue of *Article 4* of the present Convention, the right to collective bargaining rests with workers' organizations and employers and their organizations. The Committee recalls that it has consistently stressed that the unjustified refusal to recognize the most representative organizations may impair the promotion and development of free and voluntary collective bargaining within the meaning of the Convention. ***The Committee therefore urges the Government, with a view to promoting free and voluntary collective bargaining in all sectors and at all levels, to take all necessary measures to enable both workers and employers to freely determine the organizations that represent them in the conduct of collective bargaining. The Committee requests the Government to provide information on the specific action taken in this regard. The Committee also requests the Government to continue providing information on the collective agreements signed and in force, specifying those relating to the private sector, in particular in export processing zones, and those relating to the public sector, and indicating the number of workers they cover.***

Niger

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1961)

Previous comment

Implementation of the principles of the Convention regarding freedom of association and the protection of the right to organize. The Committee notes Order No. 2023-01 of 28 July 2023 suspending the Constitution of 25 November 2010 and establishing the National Council to Safeguard the Country, and Order No. 2023-02 of 28 July 2023 on the organization of public authorities during the transition period, copies of which were included in the Government's report. The Committee also notes that Order

No. 2023-01 suspends the Constitution, which recognized the right to freedom of association and the right to collective bargaining, among other rights, and dissolves the institutions established under the Constitution. The Committee notes that, pursuant to Order No. 2023-02, the laws and regulations promulgated and published on the date of signature of the Order remain in force, unless expressly repealed (section 19), and Niger remains bound by ratified treaties and agreements (section 3). The Committee notes that: (i) pursuant to the two above-mentioned Orders, during the transition period, the National Council to Safeguard the Country is vested with legislative and executive powers; and (ii) the bodies dissolved by Order No. 2023-01 include the Constitutional Court, the Court of Cassation and the State Council (their functions have now been assumed by the Transitional Constitutional Council and the State Court in accordance with Order No. 2023-02). ***Noting that the above-mentioned Orders refer to transitional measures pending a return to normal constitutional order (section 3 of Order No. 2023-01) and the establishment of new democratic institutions (sections 5 and 21 of Order No. 2023-02), and that Niger remains bound by ratified treaties and agreements (section 3 of Order No. 2023-02), the Committee firmly expects the Government to take the necessary measures to ensure that the current situation does not hinder respect for and implementation of the principles recognized by the Convention. The Committee requests the Government to provide information on any legislative or regulatory changes affecting the right to organize and bargain collectively (and to provide a copy of any new text adopted). The Committee also requests the Government to provide information on the implementation of the principles of the Convention, and to indicate the competent judicial bodies that are ensuring the protection of the right to freedom of association and the right to organize during the transition period, and to provide information on any disputes filed and rulings handed down in this regard.***

Article 2 of the Convention. Scope of application. Minors who have reached the minimum age for admission to employment. In its previous comments, the Committee requested the Government to take the necessary steps to amend section 191 of the Labour Code, which provides that workers over 16 years of age but under the age of majority may join trade unions, to ensure that the minimum age for membership to a trade union is the same as that fixed by the Labour Code for admission to employment (14 years, according to section 106 of the Labour Code). ***Noting the renewed commitment of the Government to take into account the above-mentioned request in the framework of the amendment of the Labour Code, once a decision regarding its amendment has been made, the Committee once again requests the Government to provide information on any progress made in this regard.***

Prison staff. The Committee notes that, according to section 33 of Act No. 2017-09 of 31 March 2017 establishing the specific regulations governing prison administration personnel, the staff of prison administration bodies do not enjoy the right to organize due to the specific nature of their work. In this regard, the Committee draws the Government's attention to the fact that the only admissible exceptions to the right to organize are those explicitly provided for under *Article 9* of the Convention, that is, the armed forces and the police. All other categories of workers, without distinction whatsoever, should enjoy the right to establish and join organizations of their own choosing. The Committee is of the opinion that the functions exercised by prison staff do not justify their exclusion from the rights and guarantees set out in the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 69). ***The Committee requests the Government to take the necessary measures to review the legislation with a view to giving recognition to the right of staff of prison administration bodies to establish and join trade unions. The Committee requests the Government to keep it informed in this regard.***

Article 3. Right to elect trade union representatives in full freedom. In its previous comments, the Committee requested the Government to indicate the legislative provisions that determine the crimes and offences for which final conviction results in the ineligibility for trade union administration or leadership duties, and to specify the circumstances in which a person may be declared to be deprived of legal capacity.

The Committee notes that the Government refers to the Criminal Code and that it reiterates that the purpose of the requirement under section 190 of the Labour Code is not to restrict the autonomy of trade union organizations, but rather to restrict the access to trade union office of persons convicted by a final judgment of crimes or offences, persons who have failed to comply with a summons to appear in court and persons deprived of legal capacity. The Committee notes that, pursuant to section 19 of the Criminal Code, the consequences of the criminal penalty of imprisonment include the loss of civil rights. In this regard, the Committee notes Order No. 2024-28 of 7 June 2024 amending Act No. 2019-33 of 3 July 2019 on the punishment of cybercrimes in Niger, which provides for prison sentences in cases of defamation (section 29), any offensive expression, term of contempt or invective which does not contain any particular charge (section 30), or dissemination of information likely to disturb public order or undermine human dignity, even when the information produced and disseminated is proven (section 31), where these offences are committed electronically. In this context, the Committee also notes the information on the application of the Forced Labour Convention, 1930 (No. 29), provided by the Government in its 2023 report, according to which the Ministry of Justice has undertaken a reform of the Criminal Code and the Code of Criminal Procedure. In this regard, the Committee once again recalls that conviction for an act the nature of which is not such as to call into question the integrity of the person concerned and is not such as to be prejudicial to the performance of trade union duties should not constitute grounds for disqualification from trade union office (see the 2012 General Survey on the fundamental Conventions, paragraph 106). ***Noting the new provisions in Order No. 2024-28 of 7 June 2024 amending Act No. 2019-33 of 3 July 2019 on the punishment of cybercrimes in Niger, and the fact that the provisions of the Criminal Code and the Code of Criminal Procedure are being revised, the Committee firmly expects that the legislation in force and the legislation in the process of adoption do not hinder the rights of organizations to freely elect their union leaders.***

The Committee is raising other matters in a request addressed directly to the Government.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1962)

Previous comment

Implementation of the principles of the Convention regarding the right to organize and bargain collectively. The Committee notes Order No. 2023-01 of 28 July 2023 suspending the Constitution of 25 November 2010 and establishing the National Council to Safeguard the Country, and Order No. 2023-02 of 28 July 2023 on the organization of public authorities during the transition period, copies of which were included in the Government's report. The Committee also notes that Order No. 2023-01 suspends the Constitution, which recognized the right to freedom of association and the right to collective bargaining, among other rights, and dissolves the institutions established under the Constitution. The Committee notes that, pursuant to Order No. 2023-02, the laws and regulations promulgated and published on the date of signature of the Order remain in force, unless expressly repealed (section 19). The Committee further notes that, under Order No. 2023-01, Niger remains bound by ratified treaties and agreements (section 3).

The Committee notes that: (i) pursuant to the two above-mentioned Orders, during the transition period, the National Council to Safeguard the Country is vested with legislative and executive powers; and (ii) the bodies dissolved by Order No. 2023-01 include the Constitutional Court, the Court of Cassation and the State Council (their functions have now been assumed by the Constitutional Council and the State Court in accordance with Order No. 2023-02). ***Noting that the above-mentioned Orders refer to transitional measures pending a return to normal constitutional order (section 3 of Order No. 2023-01) and the establishment of new democratic institutions (sections 5 and 21 of Order No. 2023-02), and that the Government remains bound by ratified treaties and agreements (section 3 of Order No. 2023-02), the Committee firmly expects the Government to take the necessary measures to ensure that respect for and the implementation of the principles recognized in the Convention is fully***

guaranteed in the current situation. The Committee requests the Government to provide information on any changes to laws or regulations affecting the right to organize and bargain collectively (and to provide a copy of any new text adopted). The Committee also requests the Government to provide information on the implementation of the principles of the Convention, and to indicate the competent judicial bodies that are ensuring the protection of the right to organize and to bargain collectively during the transition period, and to provide information on the disputes filed and the rulings handed down in this regard.

Articles 1, 2, 3 and 6 of the Convention. Adequate protection against acts of anti-union discrimination and interference. Public servants not engaged in the administration of the State. The Committee previously noted that neither Act No. 2007-26 of 23 July 2007 issuing the General Public Service Regulations nor Decree No. 2008-244/PRN/MFP/T of 31 July 2008, implementing those Regulations, contains any provisions which explicitly prohibit acts of anti-union discrimination or interference.

The Committee notes that, in reply to the Committee's request for it to take the necessary measures to address this gap, the Government refers to several specific regulations, including Act No. 2019-26 of 17 June 2019 establishing the specific regulations governing staff of local authorities, and Act No. 2016-25 of 16 June 2016 establishing the specific regulations governing staff of water and forestry services. While welcoming the inclusion of new provisions on protection against acts of anti-union discrimination in the specific regulations governing staff of local authorities, the Committee questions the validity of this statute since the adoption of Order No. 2024-21 of 5 June 2024, which appears to provide for a reorganization involving the elimination of local authorities. The Committee further notes that the specific regulations governing staff of water and forestry services do not contain specific provisions that protect workers covered by these regulations against possible acts of anti-union discrimination and interference. ***While asking the Government to indicate whether the specific regulations governing staff of local authorities remain in force, the Committee once again requests the Government to take the necessary measures to include, in the legislation, provisions to effectively protect all public servants not engaged in the administration of the State against acts of anti-union discrimination and interference, and to establish, for that purpose, compensation and penalties, and expeditious and effective procedures. The Committee requests the Government to provide information on any developments in this regard.***

Article 4. Promotion of collective bargaining. Criteria for determining the representativity of employers' and workers' organizations. In its previous comment, the Committee noted with interest the information provided by the Government concerning the holding and results of the occupational elections that took place in 2019 in accordance with section 185 of the Labour Code.

The Committee notes the Government's indication that the mandate for the representativity of trade union confederations resulting from those elections ended on 19 September 2023, and that, in consultation with the trade union confederations, the Ministry of Labour developed an evaluation scale to assess trade union confederations based on four criteria: (i) the existence in practice of headquarters; (ii) regular meetings of the statutory bodies; (iii) the number of affiliated trade unions; and (iv) the number of regional branches. The Committee notes that the criteria for representativity based on an evaluation scale established by the Government were not determined through occupational elections as provided for in the Labour Code. The Committee has always underscored the importance of ensuring, in case controversy should arise, that the criteria to be applied to determine the representative status of organizations for the purpose of bargaining must be objective, pre-established and precise so as to avoid any opportunity for partiality or abuse. Furthermore, it considers that such determination should be carried out in accordance with a procedure that offers every guarantee of impartiality, by an independent body that enjoys the confidence of the parties, and without political interference (see the 2012 General Survey on the fundamental Conventions, paragraph 228). ***Noting that the mandate for the representativity of trade union confederations resulting from the 2019 elections ended in September 2023, the Committee strongly encourages the Government to take, in consultation with the***

organizations concerned, and in accordance with the Labour Code, measures for the organization and holding of occupational elections in order to determine the representativity of workers' and employers' organizations as soon as possible, and to provide information on the results of those elections.

Articles 4 and 6. Right to collective bargaining of public servants not engaged in the administration of the State. In its previous comments, the Committee noted an absence of information on specific legislative provisions guaranteeing the right to collective bargaining of public servants not engaged in the administration of the State who are subject to a specific legal status or regulations, and therefore are excluded from the application of section 252 of the Labour Code. The Committee noted, nevertheless, the conclusion of collective agreements concerning public servants not engaged in the administration of the State for the period 2012–14.

The Committee notes that: (i) Act No. 2016-25 establishing the specific regulations governing staff of water and forestry services does not contain specific provisions guaranteeing the right to collective bargaining, but refers, with regard to the exercise of the right to organize, to the laws and regulations in force; (ii) the same applies as regards Act No. 2019-26 establishing the specific regulations governing staff of local authorities (in relation to which the continued validity remains to be clarified); and (iii) the Government does not provide information or copies of other texts concerning other public servants not engaged in the administration of the State who are subject to a specific status. ***The Committee expresses the firm hope that the Government will take all necessary measures to ensure that the legislation guarantees the right to collective bargaining to public servants not engaged in the administration of the State who are governed by a specific legal status or regulations, and are therefore excluded from the application of section 252 of the Labour Code. The Committee once again requests the Government to provide information on the collective agreements signed in the public sector with regard to public servants not engaged in the administration of the State. Lastly, the Committee recalls that Niger has also ratified the Collective Bargaining Convention, 1981 (No. 154) which also covers public servants engaged in the administration of the State, and also refers to its comments under that Convention.***

Collective bargaining in practice. The Committee notes the information provided by the Government on a series of agreements concluded, in particular the 2022 inter-occupational collective agreement, the collective agreement for the press, the social plan between the State and the staff of the Gaweye Hotel, and the enterprise agreement concerning the Niger Water Board. ***The Committee requests the Government to continue to provide information on the number of collective agreements signed and in force in the country, the sectors concerned, and the number of workers covered. The Committee also requests the Government to provide information on the measures to promote collective bargaining taken by the competent authorities.***

Collective Bargaining Convention, 1981 (No. 154) (ratification: 1985)

Previous comment

Promotion of collective bargaining in the public service. In its previous comments, the Committee noted that it had not been informed of specific legislative provisions guaranteeing the right to collective bargaining of public servants engaged in the administration of the State, who are subject to a specific legal status or regulations, and are therefore excluded from the application of section 252 of the Labour Code. It noted, nevertheless, the collective agreements mentioned by the Government concerning public servants that had been concluded between 2012 and 2014.

The Committee notes the Government's indications, examined in the context of the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), concerning the regulations governing public servants of local authorities (the question of their continued validity remains to be clarified) and those governing staff of water and forest services, which do not explicitly recognize the right to collective bargaining for these categories. The Committee also notes that the Government does not provide any other information on texts recognizing the right to bargain collectively of other public

servants. ***The Committee once again requests the Government to take the necessary measures to ensure that the legislation in force is in accordance with practice and guarantees the right to collective bargaining for all public servants covered by this Convention. The Committee requests the Government to provide information on any progress made in this regard and to provide copies of any new agreement or collective agreement covering public servants.***

Nigeria

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1960)

The Committee takes note of the observations made by the Nigeria Labour Congress (NLC), received on 30 August 2024, and the International Trade Union Federation (ITUF), received on 17 September 2024, alleging intimidation, harassment and arrest of trade union leaders and members by the State authorities, intervention in trade union affairs, including their internal election process, the invasion of the headquarters of the NLC and the National Union of Road Transport Workers (NURTW) by the police, the excessive use of police force and violence during peaceful demonstrations, and the prevention of workers from joining the union of their choice in the telecommunications sector. ***The Committee requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

In its previous observation, the Committee requested the Government to provide a detailed reply on allegations of denial of the right to join trade unions, massive dismissals for trying to join trade unions, mass persecution and arrests of union members and other violations made by the International Trade Union Confederation (ITUC) in 2015 and 2016, as well as allegations of arrests, reprisals and dismissals against union leaders and members made by the ITUC and the Nigeria Labour Congress (NLC) in 2017. The Committee notes the Government's indication that there will be further consultations with the affected social partners, after which a response will be forwarded to the ILO. ***Regretting the lack of concrete information received in spite of the time elapsed since these serious allegations were brought to its attention, the Committee expects that the consultations referred to above will be held shortly, and urges the Government to provide its detailed comments on each specific allegation made by the ITUC and the NLC in its next report.***

The Committee also takes note of the observations of the ITUC received on 1 September 2021, which allege massive dismissals for trying to join trade unions, acts of anti-union violence during strike actions, arrests of union members, suspensions of union leaders, and a general anti-union climate in the country. ***The Committee requests the Government to provide its comments on these new serious allegations.***

Civil liberties. The Committee recalls that it had previously requested the Government to provide detailed information on the results of the judicial proceedings regarding the prosecution of the eight suspects arrested in connection with the assassination of Mr Alhaji Saula Saka, the Lagos Zonal Chairman of the National Union of Road Transport Workers. While having noted the Government's indication that the Federal Ministry of Labour and Employment had requested the Inspector General of Police for an update and was awaiting the reply, the Committee deeply regretted that no resolution had been reached regarding the events occurred in 2010. The Committee notes with ***regret*** that the Government does not provide any update on this matter in its report. ***The Committee firmly urges the Government to provide detailed information on the results of the judicial proceedings, and, in the case of conviction, on the nature and implementation of the sentence.***

Article 3 of the Convention. Right of workers to join organizations of their own choosing. The Committee previously took note of the National Industrial Court of Nigeria (NICN) judgment of 2016 with regard to the allegation that teachers in federal educational institutions have been coerced to join the Association of Senior Civil Servants of Nigeria (ASCSN) and denied the right to belong to the professional union of their own choice. The NICN judgment concluded that teachers at the 104 Unity Colleges of Nigeria are employed by the Federal Civil Service Commission and, as civil servants, they are automatically members of the ASCSN, but specified that any worker who wishes to disassociate from the ASCSN could do so by writing to the employer. The

Government had further indicated that according to section 12(4) of the Trade Unions Act and sections 9(6) and 5(3) of the Labour Act: (i) membership of a trade union by employees shall be voluntary; (ii) no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member; (iii) no contract shall make it a condition of employment that a worker shall or shall not join a trade union; and (iv) the workers have the right to opt out of a trade union in writing. The Committee had requested the Government to continue to provide information on the practical application of the abovementioned provisions, indicating in particular whether teachers of the federal educational institutions continue to be automatically affiliated to the ASCSN. The Committee notes that the Government, in its report, limits itself to stating that the purpose of the provisions of the said laws is to bring order and good administrative structure to trade unionism in Nigeria. The Committee recalls that it is important for workers to be able to change trade union or to establish a new union for reasons of independence, effectiveness or ideological choice and that trade union unity imposed directly or indirectly by law is contrary to the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 92). ***The Committee once again requests the Government to specify whether teachers of the federal educational institutions continue to be automatically affiliated to the ASCSN, and if so to indicate on what legal grounds such automatic affiliation comports with the principle of voluntary affiliation set out in the Trade Unions Act and Labour Code.***

Freedom of association in export processing zones (EPZs). The Committee recalls that its previous comments referred to issues of unionization and entry for inspection in the EPZs, as well as to the fact that certain provisions of the EPZ Authority Decree, 1992, make it difficult for workers to join trade unions as it is almost impossible for worker representatives to gain access to the EPZs. It had noted the establishment of a tripartite committee to review and update the Federal Ministry of Labour and Productivity Guidelines on Labour Administration and Issues in Contract Staffing/Outsourcing in the Oil and Gas Sector and to incorporate emerging trends in the world of work. The Committee requested the Government to provide, without delay, information on the review and update of the ministerial guidelines, and to provide statistics on the number of trade unions operating in EPZs and the membership thereof. The Committee notes the Government's indication that it is currently working towards adopting sectorial guidelines and that EPZs would be included in one of them. It further notes that the Government reports that there are six trade unions already operating in the EPZs. ***Expecting that significant progress will be made in the very near future to bring the legislation into conformity with the Convention, the Committee requests the Government to continue to inform on any developments regarding the review and update of the ministerial guidelines. The Committee also requests the Government to continue providing information and statistics on the particular trade unions operating in the EPZs.***

Articles 2, 3, 4, 5 and 6. In its previous comments, the Committee had requested the Government to amend the following provisions:

- section 3(1) of the Trade Unions Act, which requires a minimum of 50 workers to establish a trade union, so as to explicitly indicate that the minimum membership requirement of 50 workers does not apply to the establishment of trade unions at the enterprise level (while this minimum membership would be permissible for industry trade unions, it could have the effect of hindering the establishment of enterprise organizations, particularly in small enterprises);
- section 7(9) of the Trade Unions Act, which provides that the Minister may revoke the certificate of registration of any trade union, by repealing the broad authority of the Minister to cancel the registration;
- sections 30 and 42 of the Trade Unions Act, which impose compulsory arbitration, require a majority of all registered union members for calling a strike, define "essential services" in an overly broad manner, contain restrictions relating to the objectives of strike action, impose penal sanctions including imprisonment for illegal strikes and outlaw gatherings or strikes that prevent aircraft from flying or obstruct public highways, institutions or other premises, so as to lift these restrictions on the exercise of the right to strike; and
- sections 39 and 40 of the Trade Unions Act, which grant broad powers to the registrar to supervise the union accounts at any time, so as to limit this power to the obligation of submitting periodic financial reports, or in order to investigate a complaint.

The Committee welcomed the Government's indication that it had established a Tripartite Technical Committee (TTC) for the purpose of bringing into conformity the relevant sections of the Labour Standards

Bill (LSB), Collective Labour Relations Bill (CLRB), Labour Institutions Bill (LIB) and Occupational Safety and Health Bill (OSH Bill) with international labour standards. It noted the Government's indication that the proposed review of the LSB would give the opportunity to the social partners to consider the amendments to the aforementioned provisions of the Trade Unions Act. The Committee notes that the Government states that the Labour Bills will be provided when enacted. ***The Committee expects that the abovementioned laws will be enacted shortly and that sections 3(1), 7(9), 30, 39, 40 and 42 of the Trade Unions Act will be brought into line with the Convention as part of the ongoing legislative review. The Committee requests the Government to provide information on any progress achieved in this regard.***

The Committee previously noted that there were no proposals to amend the following legislative provisions, which it also requested the Government to modify:

- section 3(2) of the Trade Unions Act, which restricts the possibility of other trade unions from being registered where a trade union already exists (workers should be able to change trade union or to establish a new union; trade union unity imposed directly or indirectly by law is contrary to the Convention);
- section 11 of the Trade Unions Act, which denies the right to organize to employees in the Customs and Excise Department, the Immigration Department, the prison services, the Nigerian Security Printing and Minting Company Limited, the Central Bank of Nigeria, and Nigeria Telecommunications (all workers, without distinction whatsoever, should have the right to establish and join organizations of their own choosing; the only authorized exception are the members of the police and the armed forces); and
- section 34(1)(b) and (g) of the Trade Unions Act (as amended by section 8(a) of the Trade Unions (Amendment) Act 2005), which requires federations to consist of 12 or more trade unions in order to be registered (the number of affiliated trade unions necessary should be lowered) and section 1 of the 1996 Trade Unions (International Affiliation) Act, which provides that the application of a trade union for international affiliation shall be submitted to the Minister for approval (the international affiliation of trade unions should not require the Government's permission).

The Committee notes that the Government states that the social partners are comfortable with the number of trade unions affiliated to federations and reiterates previous observations indicating that the purpose of section 3(2) of the Trade Unions Act is to bring order and good administrative structure to trade unionism in Nigeria and that for security reasons, section 11 of the Trade Unions Act has not been modified but a subsection has been added to create Joint Consultative Committees in the establishments concerned. The Committee refers to its preceding comments in this regard, recalling in particular that the establishment of joint consultative committees cannot be considered as a substitute for the right to organize under the Convention. ***Noting that the above provisions have been the subject of its comments for many years, the Committee urges the Government to take all necessary measures to make the appropriate amendments without delay in order to ensure their conformity with the Convention. The Committee requests the Government to provide information on any developments in this respect.***

The Committee reminds the Government that it may seek the technical assistance of the Office in connection with the revision of the laws and regulations referred above and relating to the application of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1960)

The Committee takes note of the observations made by the Nigeria Labour Congress (NLC), received on 30 August 2024, and the observations made by the International Trade Union Federation (ITUF), received on 17 September 2024, alleging the violation of collective bargaining rights. In this respect, the NLC alleges that collective bargaining rights are being severely undermined by restrictive legislation, inadequate dispute resolution mechanisms, and interference in the collective bargaining process, and that agreements reached through collective bargaining are not implemented. ***The Committee requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

In its previous observation, the Committee requested the Government to provide information on any investigations, and the results thereof, into allegations of anti-union discrimination and interference in the banking, education, electricity, petroleum, gas and telecommunications sectors, as referred to in successive communications from the International Trade Union Confederation (ITUC). The Committee notes that the Government reports that it is working on sectorial guidelines to address anti-union discrimination and interference. ***Observing that in its 2021 observations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the ITUC denounces massive dismissals for trying to join trade unions, the Committee requests the Government to take the necessary actions to ensure that the allegations of anti-union discrimination referred to by the ITUC in its previous observations give rise to specific investigations. The Committee requests the Government to provide information on the results thereof as well as on the progress made towards the adoption of the abovementioned sectorial guidelines.***

The Committee also requested the Government to send its comments on allegations of Education International (EI) and the Nigeria Union of Teachers (NUT) denouncing the promotion of a non-registered union in the education sector by various state governments, which would appear to constitute attempted interference. The Committee notes that the Government limits itself to indicating that the Academic Staff Union of Secondary School has not been registered at the federal level. The Committee recalls that the intervention by an employer - either public or private - to promote the establishment of a parallel trade union constitutes an act of interference by the employer in the functioning of a workers' association, which is prohibited under *Article 2* of the Convention. ***The Committee therefore requests the Government to take the necessary measures to ensure that Article 2 of the Convention is complied with in the education sector, both at the State and federal levels.***

Scope of application of the Convention. In its previous comments, the Committee noted that under the provisions of the legislation certain categories of workers (such as employees of the Customs and Excise Department, the Immigration Department, the prison services and the Central Bank of Nigeria) were denied the right to organize and were deprived of the right to collective bargaining. It noted that some of these categories involve public sector workers not engaged in the administration of the State and requested the Government to provide information on the results of its consultations within the National Labour Advisory Council (NLAC) and any follow-up action taken, particularly with regard to recognition of the right to collective bargaining. The Committee notes that the Government reiterates its previous explanation that these exclusions are made on the grounds of the national interest and national security. The Committee further notes the Government's indication that the NLAC has been inaugurated and that the issue raised will be discussed at subsequent meetings. The Committee recalls that, according to *Articles 5* and *6* of the Convention, only members of the armed forces and the police, as well as public servants engaged in the administration of the State may be excluded from the guarantees set out in the Convention. ***Regretting the lack of progress regarding this issue, the Committee requests the Government to take the necessary measures to ensure the full recognition of the right to collective bargaining of all public sector workers not engaged in the administration of the State, and to provide information on its consultations within the NLAC and on the practical results achieved in this regard.***

Article 4. Free and voluntary negotiation. The Committee previously requested the Government to provide explanations regarding the legal obligation to submit any collective agreements on wages to government approval, and noted the Government's indication that in practice there is no restriction with regard to wage increases adopted by an employer but that this obligation, which appears in section 19 of the Trade Disputes Act, would be brought to the attention of the tripartite technical committee which was reviewing the labour legislation. The Committee notes with ***regret*** that the Government does not provide any information on this matter in its report. ***The Committee once again requests the Government to take concrete steps to amend section 19 of the Trade Disputes Act in order to ensure full observance of the principle of voluntary collective negotiations in accordance with the provisions of the Convention. The Committee requests the Government to provide information in this respect.***

In its previous observation, the Committee noted the Government's intention to ensure that the reform of the labour legislation undertaken in consultation with the social partners was in conformity with international labour standards and trusted that the new Collective Labour Relations Act and any other texts adopted in the context of the reform of the Labour Law would be in full conformity with the requirements of

the Convention. It notes the Government's indication that the social partners will soon hold a meeting to validate the Labour Bills before forwarding them to the National Assembly for legislative action. ***The Committee requests the Government to continue to provide information on any developments in relation to the reform of the labour legislation and recalls that it can avail itself of the technical assistance of the Office.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

North Macedonia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1991)

Previous comment

The Committee notes the observations of the International Trade Union Confederation (ITUC) and of the Union of Police in Macedonia (SPM), received on 17 September and 14 October 2024, respectively, on the application of the Convention. ***The Committee requests the Government to provide its comments thereon.***

Articles 2 and 9 of the Convention. Scope of application. In its previous comments, the Committee noted that, pursuant to article 37 of the Constitution, the conditions for exercising the right to union organization in "administrative bodies" (in addition to the police and the armed forces) can be limited by law and that these "administrative bodies" included ministries, other state administration bodies and administrative organizations. The Committee requested the Government to take the necessary measures to amend article 37 of the Constitution to eliminate the possibility for the law to restrict the conditions for the exercise of the right to trade union organization in administrative bodies. The Committee notes the Government's indication that in 2024, parliamentary elections were held which led to a new composition of the Assembly of the Republic of North Macedonia, and that a new Government was elected. The Government indicates that it has not submitted any amendments to the labour legislation during the reporting period and reiterates that it will inform the Parliament of the Committee's comments in the event the former considers possible amendments to the Constitution in the future. ***Recalling once again that under the Convention only the armed forces and the police may be subject to limitations concerning the enjoyment of the guarantees provided by the Convention, as well as the need to ensure conformity of national constitutional provisions with the Convention, the Committee once again urges the Government to take the necessary measures to ensure that article 37 of the Constitution is amended accordingly. The Committee requests the Government to provide information on all progress in this regard.***

Article 3. Right of organizations to freely organize their activities and to formulate their programmes. In its previous comments, the Committee noted that, under the Law on Public Enterprises and the Law on Employees in the Public Sector: (1) employees in the public sector are obliged to provide minimum services in the event of strikes, taking into account the rights and interests of citizens and legal entities; and (2) the head of the respective institution determines the performance of the institutional activities of public interest that are to be maintained during a strike, the manner in which the minimum service will be carried out and the number of employees that will provide services during the strike. In this respect, the Committee recalled that the maintenance of minimum services in the event of strikes should only be possible in the following situations: (i) in services the interruption of which would endanger the life, personal safety or health of the whole or part of the population (essential services in the strict sense of the term); (ii) other services in which strikes of a certain magnitude and duration could cause an acute crisis threatening the normal conditions of existence of the population; (iii) in public services of fundamental importance; and (iv) to ensure the security of facilities and the maintenance of equipment. The Committee had further recalled that minimum services imposed should meet at least

two requirements: (i) they must genuinely and exclusively be minimum services, that is limited to the operations which are strictly necessary to meet the basic needs of the population or the minimum requirements of the service, while maintaining the effectiveness of the pressure brought to bear; and (ii) since this system restricts one of the essential means of pressure available to workers to defend their interests, their organizations should be able, if they so wish, to participate in defining such a service, along with employers and the public authorities. The Committee requested the Government to amend the legislation so as to ensure that the determination of minimum services in public enterprises conformed with the situations described above. The Committee noted the Government's indication that to regulate the participation of trade union representatives in the definition of minimum services during a strike, the Government and the Trade Union of Workers from the Administration, Judicial Bodies and Citizens' Associations of the Republic of Macedonia (UPOZ) signed a Branch Collective Agreement for the State Administration Bodies. According to the Government, pursuant to article 35 paragraph 6 of the Collective Agreement, the employer together with the UPOZ President shall agree on the rules to determine the list of public interest activities which cannot be interrupted during a strike, the number of employees who will perform their duties during a strike, as well as the way of providing conditions for the exercise of the right to strike. According to paragraph 7 of the same article, in the absence of an agreement, only the tasks that must not be interrupted during a strike, that is, the termination of which would cause disproportionate damage to the state, citizens and the employer and which could not be compensated by any additional measure or activity after the end of the strike, will be maintained.

The Committee requested the Government to: (i) clarify the application in practice of the above-mentioned paragraph 7 on the determination of minimum service in the absence of an agreement by the social partners; (ii) provide information on the types of activities, and percentage of employees in those activities, that have been affected by a determination of minimum services; and (iii) amend the relevant legislation so as to bring it into conformity with the Convention. The Committee notes the Government's indication in relation to article 35, paragraphs 6 and 7 of the Collective Agreement of State Administration Bodies that: (i) no written rules have been established for determining minimum services during a strike and that there are no practical examples related to this issue; and (ii) until now, the representative unions have not informed the Government about problems to the practical application of the right to strike from this aspect. ***The Committee therefore once again requests the Government to take, in consultation with the social partners, all necessary measures, including the amendment of the legislation, to ensure that the determination of minimum services in public enterprises is in line with the Committee's comments above. The Committee requests the Government to provide information on all developments in this regard.***

The Committee recalls that it previously requested the Government to amend section 38(7) of the Law on Primary Education and section 25(2) of the Law on Secondary Education, which oblige the school directors to provide for the realization of educational activities by replacing the striking employees when the educational activity is interrupted due to a strike. The Committee notes with ***regret*** the Government's indication that it has not yet amended the above-mentioned legislation. It further notes the Government's reiteration of its commitment to remove the provisions that provide for substitute workers during the next amendments to the Law on Primary Education and the Law on Secondary Education. ***The Committee urges the Government to proceed without further delay to amending the Law on Primary Education and the Law on Secondary Education, so as to remove the possibility of replacing striking workers and to enable workers in the primary and secondary education sectors to effectively exercise their right to strike. The Committee requests the Government to provide a copy of the amended legal texts once adopted.***

Law on Labour Relations. The Committee noted in its previous comments the Government's indication that the preparation of the new Law on Labour Relations was underway. The Committee observed in this respect that in order to obtain legal personality, enterprise level trade unions needed to obtain an approval from a higher-level union and that this restriction negatively impacts the rights

and interests of enterprise level trade unions. Recalling that by virtue of *Article 7* of the Convention, the acquisition of legal personality cannot be made subject to conditions of such a character as to restrict the application of *Articles 2, 3* and *4* of the Convention, the Committee requested the Government to take the necessary measures to bring the legislation into conformity with the Convention. The Committee notes the Government's indication that the draft version of the new Law on Labour Relations establishes the right to acquire legal personality of trade unions at the enterprise level. It further notes the Government's indication that with its reorganization in June 2024, labour matters legislation passed under the jurisdiction of the new Ministry of Economy and Labour, which plans to finalize the new Law in the coming period, in accordance with international labour standards. ***The Committee expects that the new Law will be adopted without further delay so as to ensure that the acquisition of legal personality is not subject to conditions of such a character as to restrict the application of the Convention. The Committee requests the Government to provide information on all developments in this regard and to transmit a copy of the revised Law on Labour Relations once adopted.***

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1991)

Previous comment

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 27 September 2023 and 17 September 2024, denouncing: (i) acts of interference by employers in the activities of trade unions; (ii) acts of anti-discrimination, including dismissal, against trade union representatives; and (iii) the non-recognition of the representative status of the Confederation of Free Trade Unions of Macedonia (KSS); of the Federation of Trade Unions of Macedonia (CCM) received on 14 October 2024; and of the Union of Police in Macedonia (SPM) received on 14 October 2024, denouncing acts of anti-discrimination against its representatives. ***The Committee requests the Government to provide its comments in this regard.***

The Committee further notes the observations of the International Organisation of Employers (IOE) received on 1 September 2023 concerning the discussions that took place at the Committee on the Application of Standards of the International Labour Conference (hereinafter the Conference Committee) in 2023 with respect to the application of the Convention.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, June 2023)

The Committee notes the discussion which took place in June 2023 at the Conference Committee concerning the application of the Convention by North Macedonia. The Committee observes that the Conference Committee, after noting with concern the multiple acts of anti-union discrimination reported in the country, urged the Government, in consultation with the social partners, to: (i) ensure that workers enjoy their rights under the Convention and are protected against acts of anti-union discrimination; (ii) ensure that workers' and employers' organizations enjoy adequate protection against any external acts of interference in their establishment, functioning or administration; (iii) ensure that existing and prospective legislation is in conformity with the Convention; (iv) respect the collective agreements reached between social partners, in both the private and public sectors, and take appropriate measures to implement their results; (v) ensure the proper functioning of the Commission for Representativeness so that the procedures for recognizing the KSS in the public sector are activated as soon as possible in accordance with national legislation, in order to ensure the full participation of the KSS in social dialogue and to guarantee the right of its members to organize collectively; (vi) communicate to the Committee of Experts the factors that have led to the increase in the rate of coverage by collective bargaining, as well as information on the provisions regulating the relationship between general and specific collective agreements in the private and public sectors; (vii) continue to provide the Committee of Experts with information on the application of the Convention in practice,

including statistical data on the number of collective agreements concluded in the public and private sectors and the number of workers covered. The Conference Committee also invited the Government to avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention in law and practice.

The Committee notes that: (i) the Direct Contacts Mission (DCM) requested by the Conference Committee took place in October 2023; (ii) the DCM was informed of the progress made in the elaboration of a new Law on Labour Relations, initiated many years ago, and exchanged views on it with the public institutions and the social partners; and (iii) at the request of the Government, an up-to-date version of the draft law was the subject of technical comments by the Office in September 2024. ***The Committee welcomes the fact that the Government has continued to avail itself of the technical assistance of the Office in the ongoing legislative review and requests the Government to provide a copy of the law as soon as it is adopted. The Committee hopes that the content of the law will take into account the present comments and the guidance from the Office so as to ensure its full conformity with the ILO Conventions on freedom of association and collective bargaining in force in the country.***

Article 1 of the Convention. Protection against acts of anti-union discrimination. The Committee notes the DCM's conclusion that while the legislation, and in particular section 200 of the Labour Relations Act (which provides protection against acts of anti-union discrimination by requiring authorization by the trade union concerned prior to the dismissal of a trade union representative), appears to be in line with the ILO instruments on the protection against anti-union discrimination, it seems that this provision is not understood and applied consistently by the courts and the labour inspectorate. The DCM further noted that the absence of a functioning fast-track procedure to prioritize cases of anti-union discrimination and an excessive workload on the shoulders of the courts generate undue delays in the resolution of these cases. ***Recalling the fundamental importance of ensuring swift and effective protection against anti-union discrimination, the Committee requests the Government to take the necessary measures, including of a legislative and budgetary nature if necessary, to address the noted shortcomings in protection against anti-union discrimination and to provide information on its results. It further requests the Government to: (i) clarify through trainings and other measures the meaning and scope of section 200 of the Labour Relations Act in line with ILO standards; (ii) consider the establishment of a prioritized/fast-track procedure for anti-union acts; and (iii) address the broader issue of the workload of courts through different proactive actions, including the development and promotion of mechanisms for the amicable resolution of conflicts.***

Article 4. Promotion of collective bargaining. Commission for Representativeness. The Committee notes the ITUC's observations alleging that the current set-up of the Commission for Representativeness seemed to have a built-in conflict of interest as it allowed trade unions (and employers' organizations) that have a seat on the Commission to consider the representativeness of other applicant trade unions (and employers' organizations), and the inability of the KSS to be recognized as a representative organization in the public sector was due, in part, to this set-up of the Commission. The Committee notes the Government's indication that: (i) in September 2023, new members were appointed to the Commission for Representativeness. The Commission is composed of nine members which includes: one representative from each of the Ministry of Labour and Social Policy, the Ministry of Justice and the Ministry of Economy; three representatives appointed by the representative associations of employers (Organization of Employers of Macedonia (OEM)); and three representatives appointed by the representative trade unions (CCM); (ii) according to the Commission, five sessions were scheduled during 2023, but only three sessions were held; (iii) during 2024, five sessions were scheduled, but due to lack of quorum, not a single session was held; (iv) at the sessions that were held, the requests that had proper and complete documentation, in accordance with the Law on Labour Relations, were reviewed. The Committee takes due note of these different elements. The Committee recalls the Conference Committee's request to the Government to ensure the proper functioning of the Commission for Representativeness, in particular with respect to procedures for recognizing the KSS in

the public sector, and highlights the DCM's specific recommendations in this respect. The Committee reiterates the importance of ensuring, in systems where the social partners' capacity to bargain collectively is subject to compliance with certain criteria, that the determination of bargaining agents should be carried out by a body offering every guarantee of independence and objectivity. In the light of the foregoing information, the Committee considers that, in a context of trade union pluralism such as exists in North Macedonia, where there are several large trade union federations, the presence of only one of the aforementioned trade union federations on the committee responsible for deciding on the representativeness of the social partners does not guarantee the impartiality of the work of the committee concerned, which raises problems of compatibility with the Convention. ***Based on the above, the Committee requests the Government to: (i) review the composition of the Commission for Representativeness and its procedures to ensure its impartiality in line with ILO standards; and (ii) ensure that the KSS application for representativeness in the public sector will be addressed as soon as possible in accordance with the principle of impartiality referred to above.***

Collective bargaining at the company level. The Committee notes the observations of the DCM concerning the lack of dynamism of collective bargaining in the private sector and the absence of trade unions in many private companies. In this respect, the Committee refers to its comments under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), concerning the fact that, under the Law on Labour Relations currently in force, enterprise-level trade unions need to obtain an approval from a higher-level union in order to obtain legal personality. Recalling the importance of the capacity of workers to freely choose the organizations through which they can exercise their right to collective bargaining and that collective bargaining should be possible at all levels, the Committee observes that the aforementioned need to obtain higher level union approval in order to obtain legal personality for company unions poses an obstacle to the free and voluntary collective bargaining enshrined in *Article 4* of the Convention. ***The Committee therefore expects that the current revision of the Law on Labour Relations will ensure that the right of workers to freely choose the union representing them in company level bargaining is fully respected. The Committee requests the Government to provide information in this respect.***

Articulation between the different levels of collective bargaining. In its previous comment, the Committee requested the Government to provide information on the provisions regulating the relationship between general and specific collective agreements in the private and public sectors. The Committee notes the Government's indication that even if not explicitly stipulated in the law, in practice, the principle of favourability is applied between different types of collective agreements, meaning that lower level collective agreements may provide for more favourable conditions to the workers.

Collective bargaining in practice. The Committee previously noted a sharp rise in the number of workers covered by collective agreements between 2019 and 2021 and requested the Government to indicate the factors that led to this increase and to continue providing information on the application of the Convention in practice. The Committee notes the Government's indication that: (i) general collective agreements apply immediately and are mandatory for all employers and employees in the private or public sector, which is the reason for full coverage of employees in the public and private sector with a collective agreement; (ii) individual enterprise level collective agreements are binding – they apply to all workers of the employer. Finally, the Committee notes with ***interest*** the Government's indication that: (i) on 18 July 2023, it signed a new General Collective Agreement for public sector employees with the representative Union of Public Sector Employees (as part of the representative CCM), which covers over 130,000 employees; (ii) at this moment, in addition to the General Collective Agreement for employees in the public sector and the General Collective Agreement for the private sector of the economy, there are 20 branch collective agreements in force; and (iii) according to the data provided by the social partners, 146 collective agreements have been concluded at the employer level. ***The Committee requests the Government to continue providing information on the application of the Convention in***

practice, including statistical data concerning the number of collective agreements concluded in both the public and private sectors and the number of workers covered.

The Committee finally notes the Government's indication that, in cooperation with the National Coordinator of the ILO in North Macedonia and with the ILO office in Budapest, it was carrying out activities to implement the recommendations of the DCM related to the prevention of anti-union discrimination; the status of unions at the enterprise level; the importance and application of collective agreements; the functioning of the Commission for Representativeness; and the systematic consultation of the Economic and Social Council. ***The Committee takes due note of these developments and requests the Government to continue providing information on any activities conducted to improve the application of the Convention in North Macedonia.***

Papua New Guinea

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1976)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Legislative matters. In its previous comments, the Committee had noted the Government's indication that the new Industrial Relations Bill (IRB 2014) was undergoing a vetting process at the Government Executive Committee and the Central Agency and Consultative Council to harmonize it with other relevant legislation and that the revised Bill should be presented to Cabinet before November 2016 or early 2017 and consultations on the matter should be held in the national Tripartite Consultative Council. ***Noting that the last information sent by the Government through an anticipated report dates back to 5 January 2017 and that its 2018 report was not received, the Committee hopes that the Government will provide in its next report information on the outcome of these consultations and whether the IRB 2014 has been enacted.***

Article 1 of the Convention. Adequate protection against acts of anti-union discrimination. The Committee had previously requested the Government to provide information on the measures taken to ensure effective implementation of the prohibition of anti-union discrimination in practice and to provide statistics on the number of anti-union discrimination complaints brought before the competent authorities, their follow-up, sanctions and remedies imposed. ***Noting that the Government did not provide specific information in this regard, the Committee reiterates its previous request.***

Article 4. Promotion of collective bargaining. Power of the Minister to assess collective agreements on the grounds of public interest. The Committee had previously requested the Government to take the necessary measures to bring section 50 of the Industrial Relations Bill (2011) into conformity with the principle that the approval of a collective agreement may only be refused if it has a procedural flaw or does not conform to the minimum standards laid down by general labour legislation. While observing once again that the Government does not provide a copy of the Bill, the Committee takes note of the Government's indication that section 50 of the IRB 2014 has been amended and that under the revised version the Attorney General is not entitled to appeal against the making of an award on the grounds of public interest.

Compulsory arbitration in cases where conciliation between the parties has failed. While recalling that it had noted the conformity of section 78 of the IRB 2014, as described by the Government, with the Convention, the Committee notes that the Government has still not clarified the content of section 79 of the IRB 2014. ***The Committee trusts once again that the Government, taking into account the Committee's comments, will ensure the full conformity of any revised legislation with the Convention. In this regard, the Committee encourages the Government to avail itself of the technical assistance of the Office, if it so wishes and requests it to provide detailed information on the process of revision of the Industrial Relations Bill.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Philippines

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1953)

Previous comment

The Committee notes the observations of the International Organisation of Employers (IOE), received on 30 August 2024, reiterating the comments made in the discussion held in the Conference Committee on the Application of Standards (the Conference Committee) in June 2024 on the application of the Convention, and the Government's reply thereto. It further notes the observations of the Center of United and Progressive Workers (SENTRO), received on 3 September 2024, relating to matters addressed below and alleging the abduction and imprisonment of union leaders, as well as the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024, referring to matters addressed below and alleging the murder of a union leader and the abduction and torture of another. The Committee also takes note of the Government's reply to the observations submitted by SENTRO and the ITUC.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion that took place in the Conference Committee in June 2024 concerning the application of the Convention. The Committee observes that the Conference Committee requested the Government, in consultation with the social partners, to: (i) take immediate and effective measures, in line with previous recommendations of the Conference Committee and the ILO high-level tripartite mission (HLTM) to put an immediate end to any violation of freedom of association, including threats and harassment, surveillance, arbitrary arrest and detention, and extrajudicial killings, against union members for the legitimate exercise of their rights under the Convention; (ii) undertake, without delay, effective and independent investigations into the new allegations of violence against members of workers' organizations and expedite those that are pending with regard to all allegations reported since 2015; (iii) take measures to ensure the effective prevention of any violence perpetuated in connection with the exercise of workers' and employers' organizations' legitimate activities and ensure that such organizations can exercise their activities within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights; (iv) address as a matter of urgency all concerns relating to the status and content of the road map with the social partners and ensure their full participation in its monitoring and implementation; (v) ensure the effective functioning of the monitoring bodies and provide regular information to the Committee in this regard; (vi) continue to promote comprehensive training activities, with a solid focus on freedom of association and collective bargaining, among government agencies with the help of ILO technical assistance; (vii) ensure that the Anti-Terrorism Act is not implemented so as to restrict legitimate union activities and related civil liberties contrary to the Convention; (viii) ensure that the following legislative matters are promptly addressed with a view to bringing national legislation into conformity with the Convention as soon as possible: House Bills Nos 1152 and 4941; and (ix) ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with *Article 2* of the Convention. Finally, the Conference Committee requested the Government, in consultation with employers' and workers' organizations, to submit a detailed report to the Committee by 1 September 2024 containing information on the implementation of the above measures and progress made in this regard.

Tripartite road map to implement the 2019 Conference Committee conclusions and achieve full compliance with the Convention. High-level tripartite mission. The Committee had previously expected that the road map and the Guidelines on the conduct of stakeholders relative to the exercise of workers' rights and activities through the institutionalized tripartite process would be finalized shortly, and would significantly contribute to ensuring full respect for the civil liberties of trade union leaders and members.

The Committee had also noted concerns raised regarding elements linked to the recommendations of the HLTM, and requested the Government to review Executive Order No. 23, which had created an Inter-Agency Committee to promote and protect freedom of association and the right to organize of workers (EO23 IAC), in full consultation with the social partners.

As regards the road map, the Committee notes the Government's indication that in August 2024, the National Tripartite Industrial Peace Council (NTIPC) issued Resolution No. 2 of 2024, which confirmed the existence of the road map that had been approved by its Resolution No. 3 of 2023, with the understanding that the road map, being a living document, shall now include four items raised in a joint statement of the Leaders Forum (national bipartite mechanism) dated 28 August 2024: (i) regular quarterly interface of the EO23 IAC; (ii) alignment of national policy and practice with international labour standards; (iii) budget increase for the Commission on Human Rights (CHR); and (iv) review of the continued operation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). The Committee further notes the Government's statement that implementation of the road map has already started with a series of activities; these include capacity-building on freedom of association and civil liberties as well as multisectoral dialogues between unions, employers, law enforcement agencies and other stakeholders, and that the road map may continue to be modified with additional items and activities as the circumstances warrant. The Committee also notes that SENTRO, in its observations, confirms that a bilateral agreement on several contentious issues was incorporated into the road map, but states that while the road map outlines the steps and sets a timeline for addressing these issues, they have yet to be fully implemented. In this regard, the Committee notes that the Government, in its reply to SENTRO's observations, indicates that, at a meeting of 21 October 2024 between the EO23 IAC and worker's and employers' representatives: (i) the CHR indicated that its budget has been increased by 140 million Philippine pesos (approximately US$2 million); and (ii) the IAC acknowledged that past practices of the NTF-ELCAC may have given rise to issues not consistent with the Convention, and emphasized that the NTF-ELCAC is refocusing its operations away from security concerns and toward community development programmes, and has been encouraged to engage with labour organizations.

With respect to the Guidelines on the conduct of stakeholders, the Committee notes the Government's indication that the Omnibus Guidelines on Freedom of Association and Civil Liberties were issued by the EO23 IAC in the form of Joint Memorandum Order 1 and took effect on 26 May 2024. The Government indicates that the Omnibus Guidelines will have been rolled out in all regions of the country by September 2024, and will be used for the development of modules for the training of local government executives, uniformed personnel of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), as well as trade unionists. The Committee further notes that SENTRO confirms that the Omnibus Guidelines were issued but expresses doubts regarding their effectiveness, as the task of penalizing AFP and PNP personnel who violate them is left to their respective human rights offices rather than to an objective civilian adjudicative body. SENTRO also indicates that a joint request by the labour and employer sectors to elevate the Omnibus Guidelines into an executive order, as well as a request from public sector unions to extend the Omnibus Guidelines' provisions to public sector workers, have been presented. In this regard, the Committee notes that the Government denies that the request to elevate the Omnibus Guidelines into an executive order was supported by the employer sector, and states that the Guidelines are already binding and easier to amend in their current form.

With regard to Executive Order No. 23, the Committee notes that the Government responds to the 2023 observations of the ITUC, the International Transport Workers' Federation (ITF) and SENTRO by stating that: (i) the positions expressed by the labour sector during the HLTM, as well as a draft executive order it had submitted, were considered in the drafting of Executive Order No. 23; (ii) only agencies with security, investigative and prosecutorial functions were included as members of the EO23 IAC, which is why the social partners are not represented; (iii) the HLTM's recommendation on the creation of a presidentially-driven body did not specify that its composition needed to be tripartite; (iv) the EO23 IAC is directly under the Office of the President and is therefore provided with adequate

budget; (v) Executive Order No. 23 explicitly identifies the CHR, which is the constitutionally-mandated body that is already performing the functions of a specialized, eminent and independent non-judicial body, as resource agency of the EO23 IAC; and (vi) as the above-mentioned joint statement of the Leaders Forum acknowledged the functions of the EO23 IAC and recognized its role as a body with which the NTIPC could pursue constructive social dialogue and tripartite engagement, the issues raised concerning its establishment should be considered settled. ***Welcoming the progress reported, particularly the issuance of Resolution No. 2 by the NTIPC and the rolling out of the Omnibus Guidelines, the Committee requests the Government to take the necessary measures to ensure that the tripartite road map remains an inclusive, living document to which the social partners can contribute, and is efficiently implemented to continue addressing the substantive issues raised, with a view to ensuring full respect for the civil liberties of trade union leaders and members. Noting the reservations expressed regarding the effectiveness of the Omnibus Guidelines, the Committee requests the Government to review their practical application and scope in consultation with the social partners, and to provide information on any developments in this regard. As regards the issues raised in relation to the NTF-ELCAC, the Committee expects that the steps taken to refocus its operations towards community development will preserve for the Department of Labour and Employment (DOLE) its role in relation to industrial relations.***

Civil liberties and trade union rights

Previous allegations. The Committee recalls that it has received repeated allegations of serious violations of basic civil liberties in the exercise of trade union rights submitted by the ITUC in 2015, 2019, 2020, 2021 and 2022, by Education International (EI) in 2019, and jointly by EI, the Alliance of Concerned Teachers (ACT) and the National Alliance of Teachers and Office Workers (SMP-NATOW) in 2020, all of which are detailed in its previous comments. The Committee has on numerous occasions requested the Government to ensure that these allegations were duly investigated and perpetrators punished in order to effectively prevent and combat impunity.

The Committee notes the Government's indication that: (i) the regional tripartite monitoring bodies (RTMBs) continue to exert all efforts to coordinate with the complainant organizations and the families of the alleged victims to obtain more information on the reported cases; (ii) certain challenges, such as the general nature of the allegations, the lack of sufficient information provided by the complainants, the lack of material witnesses, the failure or refusal of the victims' families to cooperate in the investigation and the considerable length of time that has passed since these alleged incidents took place, hinder the investigation, as well as the prosecution and apprehension of the suspected perpetrators; (iii) it cannot be reasonably established that all incidents raised are related to or arose from the exercise of freedom of association and the right to organize; (iv) the DOLE and the CHR signed a Memorandum of Agreement (MOA) on 20 October 2023, providing for coordination on the referral, investigation and monitoring of cases, as well as a data sharing agreement on 31 May 2024, to facilitate the exchange of information on cases; and (v) the CHR, based on its own independent evaluations, provided additional information on 22 cases and updates on 34 others, and granted financial assistance to the victims' families when it found that human rights violations had been committed. ***Noting with interest the reported measures, in particular the MOA and the data-sharing agreement concluded between DOLE and the CHR, the Committee requests the Government to continue taking all necessary steps to ensure that the allegations presented since 2015 are thoroughly investigated, emphasizing once again the importance of establishing facts (including any links between the violence and trade union activities), determining culpability and bringing perpetrators to justice to effectively prevent and combat impunity. The Committee requests the Government to continue to provide detailed information on all progress made in this regard.***

New allegations. The Committee had previously requested the Government to provide its observations on allegations of red-tagging and harassment made by SENTRO, and on the killing of Alex

Dolorosa, officer of the BPO Industry Employees Network (BIEN), and disappearances and arbitrary arrests of other union officials made by the ITUC and the ITF in their 2023 observations. The Committee notes the Government's indication that: (i) the incidents mentioned by SENTRO that were not yet under monitoring were immediately transferred to RTMBs for their validation, intervention and monitoring; (ii) according to investigation reports, the motive behind the killing of Alex Dolorosa, officer of BIEN, was theft and not his union membership or activities; (iii) the authorities and the CHR, which conducted several fact-finding missions, were unable to locate either Alipio "Ador" Juat or Elizabeth "Loi" Magbanua, organizers of the Kilusang Mayo Uno (KMU), and financial assistance was granted to their beneficiaries; (iv) the authorities were unable to locate Elgene "Leleng" Mungcal and Elena "Cha" Cortez Pampoza, labour organizers, or establish with certainty that they were victims of enforced disappearance, and therefore archived the case; and (v) in the case of the alleged illegal arrest of Kara Taggaoa and Larry Balbuena, two union leaders, both are out on bail and awaiting their next hearing, and the CHR recommended that the case be closed, subject to the continuous monitoring of the court cases.

The Committee further notes that SENTRO alleges that: (i) red-tagging and profiling continue unabated due to the policies that fuelled trade union repression under the previous administration, which remain in effect; and (ii) KMU leaders were abducted by security officers and 24 of them remain imprisoned on trumped-up charges. The Committee also notes that the ITUC alleges that: (i) Jude Taddeus Fernandez, organizer for the KMU, was shot dead by the PNP on 29 September 2023 during a raid carried out on his house in Binangonan, Rinzal Province; and (ii) police and intelligence officers have abducted and tortured Francisco "Eco" Dangla III, Pangasian provincial coordinator of the ACT, and have entered public schools of the National Capital Region where leaders of the ACT were working to spread unfounded accusations and fear among students, teachers and administrators. The Committee notes that the Government, in its reply to the observations of SENTRO and the ITUC, states that: (i) there are several available remedies against wrongful designation or profiling, such as filing an administrative case or a petition for writ of *amparo* and *habeas data*, as a Supreme Court ruling of 4 July 2023 *(Deduro v. Vinoya)* determined that red-tagging, vilification, labelling and guilt by association constitute threats to a person's life, liberty or security, which may justify the issuance of a writ of *amparo*; (ii) the allegations concerning the 24 KMU officers should not be considered, as the information provided by SENTRO is insufficient; (iii) Jude Taddeus Fernandez, whose real name is Oscar Dizon, was the subject of an arrest warrant for murder when the raid occurred, and in subsequent administrative proceedings against the two officers involved in his killing, it was determined that they had acted in self-defence; and (iv) the San Carlos Police Station and the PNP attempted several times to communicate with Francisco "Eco" Dangla III and gather information about his alleged abduction and torture, but were unable to do so, and DOLE has no record of his involvement in the trade union movement. ***While duly noting the Government's efforts to investigate the above-mentioned matters and the recent Supreme Court decision on red-tagging, vilification, labelling and guilt by association, the Committee expresses concern regarding the continued allegations of violence, harassment and intimidation against trade unionists, and urges the Government to take all necessary measures to ensure that trade unionists are able to exercise their activities within a system which fully guarantees the respect of civil liberties and freedom of association rights. The Committee also invites SENTRO to provide the Government with any additional specific information it may have at its disposal regarding the alleged abduction and imprisonment of KMU officers.***

Measures to combat impunity. Monitoring mechanisms. In its previous observation, the Committee took due note that funds had been attributed in the 2024 General Appropriations Act and action points included in the tripartite road map in order to strengthen the monitoring bodies, and the Committee expected that these bodies would be allocated more resources and staff in the very near future, with a view to ensuring their full operationalization. The Committee notes the Government's indication that the RTMBs remain fully operational, that more vigorous measures, such as trainings for their members financed by the additional budget from the 2024 General Appropriations Act, have been taken since

2022 to further strengthen their capacities, and that coordination mechanisms with other agencies have been institutionalized, enabling them to provide more details, timely updates and pertinent recommendations on reported cases. The Committee further notes that the ITUC, in its observations, reiterates that: (i) the existing monitoring bodies, such as the National Tripartite Industrial Peace Council Monitoring Body (NTIPC-MB) and the RTMBs, lack sufficient funding and staff to operate properly; and (ii) although the Inter-Agency Committee on Extrajudicial Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons under Administrative Order 35 (AO35 IAC) was supposed to address grave human rights violations, including labour-related killings, few cases have progressed or been resolved despite its resources. ***Taking due note of the above, the Committee requests the Government to continue taking measures to ensure that the monitoring bodies have sufficient resources to effectively address all pending labour-related cases of violence and other violations against trade union leaders and members. The Committee requests the Government to provide updates on the progress made by these bodies, including the AO35 IAC, in collecting the necessary information to bring the pending cases to the courts.***

Measures to combat impunity. Training and Guidelines on the conduct of stakeholders. The Committee had previously welcomed the training activities conducted by the Government and expected that they would continue within the framework of the tripartite road map and significantly contribute to raising awareness on matters related to freedom of association and collective bargaining among State officials. The Committee notes the Government's indication that one of the major deliverables under the road map is continuous capacity-building for all stakeholders. The Governments indicates that, through an MOA concluded between DOLE and the University of the Philippines College of Law on 1 September 2023, which is now being implemented, paralegal training is provided to trade unionists, including members of the RTMBs, to equip them with the proper knowledge and skills to provide immediate assistance to their members who might be targets of threats, intimidation, harassment and violence arising from the exercise of freedom of association and the right to organize. The Government adds that the above-mentioned development of the training modules based on the Omnibus Guidelines would start by the last quarter of 2024, and that DOLE recently issued new guidelines for its Adjustment Measures Program, which will fund capacity-building and advocacy programmes to promote the fundamental principles and rights at work, including freedom of association and the right to organize, and trade competitiveness. The Committee further notes the Government's indication that it is now embarking on a technical cooperation programme with the ILO Country Office in Manila under the project entitled "Strengthening freedom of association and action against child labour in the Philippines", which will provide support to the implementation of several activities under the road map, such as the development of a case referral mechanism for the monitoring of alleged violations of freedom of association, trainings for various stakeholders, tripartite consultations and dialogues, and capacity-building activities toward the implementation of the Omnibus Guidelines. ***Welcoming the Government's continued capacity-building efforts, as well as its technical cooperation programme with the ILO Country Office in Manila, the Committee trusts that these initiatives will strengthen the implementation of the road map and the Omnibus Guidelines, and further enhance awareness of freedom of association and collective bargaining among stakeholders. The Committee requests the Government to provide detailed information on the progress of these activities.***

Measures to combat impunity. Pending legislative matters. In its previous comments, the Committee noted the Government's indication that House Bills Nos 1152 and 4941 (seeking to define and criminalize red-tagging) had been filed in the House of Representatives, and encouraged the Government to take concrete, time-bound measures toward their adoption. The Committee notes the Government's indication that the two bills have been pending with the House Committee on Justice since 2022. ***In the context of the above-mentioned Supreme Court decision issued on red-tagging, the Committee requests the Government to take specific, time-bound measures aimed at advancing House Bills Nos 1152 and 4941, and to provide detailed information on all progress made in this respect.***

The Committee also previously noted the Government's indication that House Resolution No. 45 (directing the Committee on Justice and the Committee on Human Rights to conduct a joint inquiry into the implementation of the Act against Enforced or Involuntary Disappearance of 2012), House Bill No. 407 (seeking to declare unlawful and criminalize wilful interference with, harassment and coercion of any worker, workers' association or trade union in the exercise of their right to self-organization), as well as House Bills Nos 1513, 1518, 550 and 7043 (advocating for civil liberties and trade union rights in the public and private sectors) had been filed, and requested the Government to provide information on the progress achieved in their adoption. The Committee notes the Government's indication that: (i) House Resolution No. 45 has been pending with the House Committee on Justice since 2022; (ii) House Bill No. 407 was substituted by House Bill No. 9294, which was approved by the House of Representatives on 29 November 2023 and is now pending in the Senate Committee on Labour, Employment and Human Resource Development; (iii) House Bills Nos 550 and 1513 have been pending with the House Committee on the Civil Service and Professional Regulation since 2022; (iv) House Bill No. 1518 was substituted by House Bill No. 9430, which was passed on 12 December 2023 and is now pending in the Senate Committee on Labour, Employment and Human Resource Development; and (v) House Bill No. 7430 was substituted by House Bill No. 10267, which is pending second reading at the House of Representatives.

The Committee further notes that the Government indicates, in a general manner, that: (i) the Philippines has a presidential form of government, under which there is a separation of powers between the legislative branch, the executive branch and the judiciary; (ii) while actions to be taken in relation to the bills filed are within the competence of the legislature, the executive will continue to monitor progress and provide technical inputs when called upon to do so; and (iii) the legislative priorities are coordinated through the Legislative-Executive Development Advisory Council (LEDAC), which is chaired by the President of the Philippines. The Committee also notes that SENTRO states that the legislative process has been consistently stalled as a result of the President's refusal to certify the legislative measures aimed at aligning national laws with international labour standards as "urgent". In this regard, the Committee notes the Government's indication that during a meeting of 21 October 2024, the Executive Secretary of the EO23 IAC suggested that to merit certification, the labour sector should exert efforts to ensure that its priority bills are among the ones identified as such by the LEDAC. ***Taking note of the above, the Committee requests the Government to take the necessary measures, including via the LEDAC and in full consultation with the social partners, to facilitate the adoption without further delay of House Resolution No. 45, House Bills Nos 407, 1513, 1518, 550 and 7043, and any other draft legislation aimed at ensuring respect for civil liberties in the exercise of trade union rights. The Committee requests the Government to provide information on any developments in this regard.***

Anti-Terrorism Act. In its previous observation, the Committee welcomed a Supreme Court judgment which nullified two provisions of the Anti-Terrorism Act, and expected that the Government would continue to ensure that the Act was not implemented in a way which had the effect of restricting legitimate union activities and related civil liberties. The Committee notes the Government's assurances that it will continue to ensure that the Act is not implemented in a manner that restricts legitimate trade union activities, and states that in case of any violation, adequate remedies are available under the Revised Penal Code and other penal laws. The Committee notes, however, that the ITUC alleges that after reporting constant surveillance by the authorities, Aurora Santiago, Region III Union Coordinator of the ACT, was charged under the Anti-Terrorism Act. ***The Committee requests the Government to provide its comments on these allegations.***

Legislative issues

Labour Code. The Committee previously noted with regret that despite the filing of several new bills, no concrete amendments appeared to have been made in relation with the matters raised in its previous comments, and firmly expected that the Government would make every effort to bring the

national legislation into conformity with the Convention as soon as possible. The Committee notes the Government's indication that its legislative branch has its own priorities and rules on actions it may take, but that the social partners, particularly the labour sector, have their allies in Congress who can help them push for the bills that they consider a priority. The Government also refers to the status of certain bills, indicating that House Bill No. 9430 and Senate Bill No. 560 (on union registration and membership requirements under the Labour Code), as well as Senate Bill No. 741 (on the power of the Secretary of Labour and Employment under section 278 of the Labour Code), are pending in the Senate Committee on Labour, Employment and Human Resource Development, and that House Bill No. 9447 (on government interventions in labour disputes) and House Bill No. 10267 (on the penalty of imprisonment during a strike or lockout) are pending second reading at the House of Representatives. ***Regretting once again that, despite the filing of the above-mentioned bills, no significant progress has been made in addressing the matters raised in its previous comments, the Committee urges the Government to prioritize efforts to align the national legislation with the Convention, and to provide updates on any developments in this regard.***

Republic of Korea

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2021)

Previous comment

The Committee notes the observations of the Korea Employers' Federation (KEF), communicated with the Government's report, as well as of the Korean Confederation of Trade Unions (KCTU) and the Federation of Korean Trade Unions (FKTU), received on 6 September and 5 October 2024, respectively, and of the International Trade Union Confederation (ITUC), received on 17 September 2024. These observations, together with the Government replies thereto, are examined below.

Civil liberties. The Committee notes the observations of the ITUC and the KCTU, which denounce a climate of intimidation and repression fuelled by the Government, demonstrated by systematic disruption of protests by the police, violent attacks and harassment of unionists, as well as criminalization of union activities. They point to specific incidents in 2023 and 2024, including a special police investigation targeting unionists in the construction sector (950 unionists were summoned for investigation, 16 remain detained and 1 set himself on fire to protest harassment by the authorities) and excessive police violence against two leaders of the Federation of Korean Metalworkers' Trade Unions (FKMTU) during a sit-in protest in May 2023. The Committee notes that the Government does not refute these incidents but asserts that police investigation and crackdowns were motivated by unlawful activities and unreasonable practices (threats, coercion, obstruction of work) in the construction sector and were conducted in accordance with the law, irrespective of the group or organization involved (4,829 workers were referred to the Prosecutor with 148 arrested and 144 found guilty so far and more than 1,950 construction sites were investigated for suspicion of illegal subcontracting). Regarding the incidents with the FKMTU leadership, the Government states that the sit-in protest was located on a scaffolding built by the unionists, causing inconvenience to commuters and presenting a significant security risk and that the unionists became violent when police approached them.

The Committee previously requested information on any charges pending against members of the KCTU (Mr Yang Kyeung-soo, Mr Youn Taeg-gun and 40 other unionists) in relation to the rallies and the general strike of 2021 and the progress and outcome of the judicial process in their cases. While noting the Government's explanation that it does not separately keep track of this information and that details regarding individuals under investigation are not subject to disclosure, the Committee notes

from the KCTU observations that Mr Yang and Mr Youn were sentenced to one year and six months of imprisonment, respectively, and fined.

While acknowledging the challenges for freedom of assembly during the COVID-19 pandemic, as well the challenges for the State authorities to control potentially unlawful measures in certain sectors, the Committee recalls the importance of civil liberties, in particular the right to freedom and security of person, freedom from arbitrary arrest and detention, freedom of opinion and expression and freedom of assembly, for the full development of freedom of association. ***Noting with concern the allegations of a climate of repression against trade unionists, including the above incidents of violence and mass investigations, the Committee requests the Government to ensure that basic civil liberties and fundamental freedoms, which are a prerequisite for the exercise of trade union rights protected by the Convention, are fully respected by State authorities in the management of public protests, rallies and when taking law enforcement measures against trade unionists, so as to avoid undue restrictions on the exercise of freedom of association.***

The Committee further observes with ***concern*** that, on 3 December 2024, the President declared martial law, imposing important restrictions on several civil liberties. ***While observing that the martial law was lifted the next day, the Committee urges the Government to ensure that this situation and any measures that may result therefrom do not restrict the rights protected by the Convention and in particular the civil liberties necessary for the exercise of freedom of association. The Committee requests the Government to provide information on any developments in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2026.]

Republic of Moldova

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1996)

Previous comment

The Committee notes that in its observations received on 21 August 2024 with respect to the Convention and the Workers' Representatives Convention, 1971 (No. 135), the National Trade Union Confederation of Moldova (CNSM) alleges serious acts of interference in union activities by the administration of the National Centre for pre-hospital Emergency Medical Assistance (IMSP CNAMUP). The Committee notes that the CNSM alleges in particular that: (i) workers were threatened with retaliation if they refused to change their affiliation to the union supported by the Government, resulting in the forced resignation of 3,826 employees and the dismantling of the independent union; (ii) a union leader was demoted to induce resignation; and (iii) the issue has still not been resolved after the CNSM having informed the relevant authorities in July 2024. ***The Committee requests the Government to provide its comments on the CNSM observation and to take the necessary action to ensure the full application of Articles 1 and 2 of the Convention with respect to the alleged acts.***

Articles 1 and 2 of the Convention. Adequate protection against acts of anti-union discrimination and interference. In its previous comments, the Committee repeatedly requested the Government to take measures aimed at strengthening the existing sanctions so as to ensure effective protection against acts of anti-union discrimination and interference. The Committee notes the Government's indication that there is currently a draft law to amend article 61 of the Contravention Code and apply tougher sanctions. The Committee also notes the CNSM's observations according to which: (i) current national legislation continues to lacks an effective mechanism to protect trade union rights; (ii) the CNSM proposed amendments to article 61 of the Contravention Code to sanction anti-union interference have not been taken into account; and (iii) Act No. 114 of 9 July 2020, which repealed a Labour Code provision protecting union officials from dismissal for two years after their term, replacing it with a requirement

for an advisory opinion rather than prior consent from the superior union body further has further weakened the existing legal protection against anti-union discrimination. ***Taking due note of the Government's indication that a legal reform is under way, the Committee expects that the Government will be soon in a position to inform about the adoption of provisions that will significantly strengthen the applicable sanctions to acts of anti-union discrimination and interference. The Committee requests the Government to provide a copy thereof.***

Article 4. Compulsory arbitration. In its previous comment, the Committee reiterated its previous request to amend section 360(1) of the Labour Code to ensure that referral of a collective bargaining dispute to the courts is possible only upon request by both parties to the dispute, or in relation to public servants engaged in the administration of the State essential services in the strict sense of the term and acute national crisis. The Committee notes the Government's indication that a new draft law, the Mediation Act and the Statute of the Mediator, is currently at the endorsement stage. The Committee also notes the Government's indication that the Ministry of Labour and Social Protection, together with the State Labour Inspectorate and the social partners, are working on the establishment of a mechanism for out-of-court dispute settlement, which is expected to be fully developed by the end of 2024. ***The Committee reiterates its request to the Government to amend, in consultation with the social partners, section 360(1) of the Labour Code and to provide information on any developments in this respect.***

Collective bargaining in practice. The Committee takes note of the Government's indication that: (i) 21 collective agreements have been concluded at the national level; (ii) 18 collective agreements have been concluded at the sectoral level; At the unit level, 1,189 collective agreements have been submitted to the State Labour Inspectorate in 2021, 640 in 2022, 629 in 2023and 212 since the beginning of 2024. While taking due note of this information, the Committee notes the absence of indication regarding the number of workers covered by those agreements***. The Committee requests the Government to continue to provide statistical information on the number of collective agreements concluded and in force in the country, indicating the sectors concerned and the number of workers covered.***

Romania

Workers' Representatives Convention, 1971 (No. 135) (ratification: 1975)

Previous comment

Article 5 of the Convention. Coexistence of trade union representatives and elected representatives in the same undertaking. Having noted that Act No. 62 of 2011 concerning social dialogue allowed, in certain circumstances, elected staff representatives to negotiate and conclude collective agreements even in the presence of trade union organizations in the undertakings concerned, the Committee requested the Government to amend the relevant legislation in order to give effect to *Article 5* of the Convention. As noted in its observation of 2023 on the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), by Romania, the Committee notes with ***satisfaction*** that the new Act No. 367/2022 concerning social dialogue, promulgated on 19 December 2022, strengthens the key role of trade union organizations by providing that elected staff representatives may only negotiate collective agreements in the complete absence of trade union organizations in the undertaking (sections 57, 58 and 102 of the Act).

Russian Federation

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1956)

Previous comment

Freedom of expression. In its previous observation, the Committee noted that the Committee on Freedom of Association (CFA) drew the Committee's attention to the legislative aspects of Case No. 3313 [see 396th Report, October 2021, paragraphs 529–595] with regard to a situation where a union's publications criticizing the State's policy were declared as being contrary to the law and the union's statutes, and requested the Government to indicate all steps taken to ensure that the right of trade unions to express opinions was duly protected. The Committee notes that the Government states that no legislative provisions prevent trade unions from expressing disagreement with state authorities on matters of economic and social policy, and that trade unions fully exercise this right, as evidenced by the debates taking place within the Russian Tripartite Commission for the regulation of social and labour issues (RTK). The Committee observes however that in Case No. 3313, the CFA noted that judicial decisions determined that the publication of two articles criticizing the State's policies was incompatible with trade union activities as defined by the law and ordered the dissolution of the trade union which had issued them. ***The Committee reiterates its request that the Government take all steps to ensure that the right of trade unions to express opinions, including those criticizing the Government's economic and social policies, is duly protected in law and in practice. The Committee once again requests the Government to provide information on all steps taken in this regard.***

Foreign agents. The Committee also noted, with reference to CFA Case No. 3313, that: (i) under the Law on Non-Commercial Organizations, trade unions receiving funding from foreign sources were required to register as organizations performing the functions of a foreign agent, which entailed additional obligations under sections 24 (inspections) and 32 (restrictions on programme implementation); and (ii) the Code of Administrative Offenses imposed heavy penalties for failing to register as a non-commercial organization performing the functions of a foreign agent, or for distributing materials without indicating their origin as from such an organization. The Committee urged the Government to find an appropriate solution to ensure that the regulations on these organizations were compatible with the rights of trade unions and employers' organizations under the Convention. The Committee notes the Government's indication that: (i) the possibility for trade unions, as major public associations with significant influence and political involvement, to receive foreign funding has led to the imposition of restrictions due to their lack of oversight by and accountability to public authorities; (ii) trade union members and society in general have a right to know about overseas funding; and (iii) since the complaint was filed in Case No. 3313, no trade union has been designated as a foreign agent. In this regard, the Committee recalls once again that legislation which seriously hampers activities of a trade union or an employers' organization on the grounds that they accept financial assistance from an international organization of workers or employers to which they are affiliated infringes the principles concerning the right to affiliate with international organizations. In this regard, the Committee has considered that it is difficult to reconcile the additional bureaucratic burdens imposed on trade unions receiving financial assistance from abroad, and the various hefty penalties that can be imposed, with the right of trade unions to organize their administration, to freely organize their activities and to formulate their programmes, as well as with the right to benefit from international affiliation. Taking due note of the Government's indication that no trade union has been classified as a foreign agent since 2018, the Committee also recalls the need to ensure the conformity of the legislative provisions with the Convention, even if they are not applied in practice. ***The Committee urges the Government to take the necessary measures, in consultation with the social partners, to ensure that the regulations on non-commercial organizations performing the functions of a foreign agent are***

compatible with the rights of workers' and employers' organizations under the Convention. The Committee requests the Government to provide information on measures taken in this regard.

The Committee previously noted with utmost concern the entry into force in December 2022 of the Law on Control of Activities of Persons Under Foreign Influence, which defined foreign influence as a support (financial and/or other) provided by, among others, international and foreign organizations, and stipulated that non-compliance with the requirements of the law, which were more stringent than those described above, entailed dissolution. The Committee urged the Government to exclude trade unions and their organizations from the scope of the new Law. ***Noting with regret that the Government does not address this matter in its report, the Committee once again urges it to take all necessary steps to exclude trade unions and their organizations from the scope of application of the above-mentioned Law. The Committee requests the Government to provide information on all developments in this regard.***

The Committee also noted with deep concern that the entry into force of the Law on Amendments to Certain Legislative Acts of the Russian Federation, which amended the Federal Law No. 54-FZ on Meetings, Rallies, Demonstrations, Marches and Pickets, not only restricted areas where a public event could take place to the extent that the organization of demonstrations, marches, or pickets could become virtually impossible, but also forbade the organization of such events by foreign agents. It requested the Government to provide information on these developments. The Committee notes that the Government limits itself to stating that the restrictions on the right of foreign agents to organize public events are based on national security considerations. ***Recalling that the right of trade unions to hold public meetings and demonstrations is an essential aspect of freedom of association, the Committee urges the Government to take the necessary measures to ensure the full recognition of this right, both in law and in practice, and in particular with respect to the amended Federal Law No. 54-FZ. The Committee requests the Government to provide information on all progress made in this regard.***

Article 3 of the Convention. Right of workers' organizations to organize their administration and activities. In its previous comments, the Committee requested the Government to review, in consultation with the social partners, various categories of the State and municipal civil service with a view to identifying those that may fall outside of the narrowly interpreted category of public servants exercising authority in the name of the State and whose right to strike should therefore be guaranteed. The Committee notes the Government's indication that it was ready to consult with the social partners on possible improvements and consider any draft legislation proposed by them, but none was submitted, and that on the basis of section 21 of the Labour Code, federal civil servants and workers are allowed to associate and join trade unions in order to represent and protect their rights and interests. In this regard, the Committee recalls that strikes are essential means available to workers and their organizations to protect their interests, and that too broad a definition of the concept of civil servant may result in a very wide restriction or even a prohibition of the right to strike for these workers. ***The Committee once again reiterates its request and firmly expects that the above-mentioned review will be conducted shortly and will identify the categories of the State and municipal civil servants that may fall outside of the narrowly interpreted category of public servants exercising authority in the name of the State and whose right to strike should therefore be guaranteed. The Committee requests the Government to provide information on all progress made in this regard.***

The Committee also previously requested the Government to amend section 26(2) of the Law on Federal Rail Transport so as to ensure the right to strike of railway workers. The Committee notes with ***regret*** that the Government merely reiterates that section 413 of the Labour Code provides that the right to strike may be restricted by federal law, and since temporary work stoppages by certain categories of railway workers may pose a threat to the defence of the country and state security, as well as human life and health, it is reasonable to restrict their right to strike. The Committee recalls once more that railway transport does not constitute an essential service in the strict sense of the term where

strikes can be prohibited and that instead, a negotiated minimum service could be established in this public service of fundamental importance. ***The Committee once again reiterates its request and firmly expects the Government to take the necessary measures, in consultation with the social partners, to amend section 26(2) of the Law on Federal Rail Transport in order to bring it into full conformity with the Convention. The Committee requests the Government to provide information on any developments in this regard.***

Saint Lucia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1980)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes with ***deep concern*** that the Government's report, due since 2015, has not been received. In light of its urgent appeal launched to the Government in 2020, the Committee proceeds with the examination of the application of the Convention on the basis of whatever information is at its disposal. The Committee recalls that it has been raising issues concerning the observance of the Convention in an observation and a direct request, with longstanding requests for information on the application of the rights guaranteed by the Convention with respect to fire service personnel, prison staff and public servants. ***Not having received any additional observations from the social partners, nor having at its disposal any indication of progress on these pending matters, the Committee refers to its previous observation and direct request adopted in 2020 and urges the Government to provide a full reply thereto. To this end, the Committee recalls that the Government may avail itself of the ILO's technical assistance.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1980)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes with ***deep concern*** that the Government's report, due since 2015, has not been received. In light of its urgent appeal launched to the Government in 2020, the Committee proceeds with the examination of the application of the Convention on the basis of the information at its disposal. The Committee recalls that it has been raising questions concerning compliance with the Convention in an observation, including a longstanding request for the Government to ensure that national legislation expressly recognizes the right to collective bargaining of prison staff and fire service personnel. ***Not having received any observations from the social partners, nor having at its disposal any indication of progress on these pending matters, the Committee refers to its previous observation adopted in 2020, and urges the Government to provide a full reply thereto. To this end, the Committee recalls that the Government can avail itself of the technical assistance of the ILO.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Somalia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2014)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee takes note of the Government's first report on the application of the Convention. It notes with ***interest*** the Government's indication that a draft Labour Code (the content of which is examined in the direct request accompanying this observation), was developed in collaboration with the ILO to revise the 1972 Labour Code, and that all tripartite partners were involved in the process. It further notes that this draft Labour Code and a draft Civil Service Law are currently pending approval by the Parliament. ***The Committee requests the Government to inform on the adoption process of the draft Labour Code and the draft Civil Service Law and to transmit copies of the laws once adopted.***

The Committee also notes the observations of the Federation of Somali Trade Unions (FESTU), received on 1 October 2020, alleging violations of the right to organize, including the right to strike, at an airport management company, as well as pressures and threats by the police against trade union officials. ***The Committee requests the Government to provide its comments in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Sudan

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1957)

Previous comment

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 17 September 2024. Recalling the outbreak of violence in the country in April 2023 between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) and the ongoing armed conflict, the ITUC expresses serious concern regarding the state of civil liberties and trade union freedoms in this context of acute crisis in which workers' rights cannot be guaranteed and collective organizing has become impossible.

The Committee further recalls that a public announcement was made on 28 November 2022 by the Head of the Transitional Sovereignty Council, concerning the suspension of the activities of all workers' and employers' organizations and the formation of new steering committees for trade unions and employers' organizations. ***While acknowledging the complexity and the difficulty of the situation prevailing in the country owing to the existence of an armed conflict, the Committee once again urges the Government to refrain from any interference regarding the functioning of workers' and employers' organizations and to guarantee the necessary civil liberties so that they can freely exercise their activities, including through free and voluntary collective bargaining, without fear of retaliation or discrimination. The Committee requests the Government to provide information on all measures taken in this respect.***

Article 4 of the Convention. Compulsory arbitration. The Committee requested the Government to take the necessary measures to ensure that the revised Labour Code only allows the imposition of compulsory arbitration in limited situations compatible with the Convention. The Government indicates

that the deliberations on the draft Labour Code have not been completed owing to the recent changes the country has faced. The Government reiterates that the revision of the Labour Code is currently being assessed by a consultative committee on labour standards, and indicates that all pending issues will be considered once the situation has improved and the Law Review Committee begins its work, in consultation with the social partners. ***The Committee hopes that the revised Labour Code will be adopted in the near future and will only allow the imposition of compulsory arbitration: (i) in essential services in the strict sense of the term; (ii) in case of disputes in the public service involving public servants engaged in the administration of the State; (iii) when, after protracted and fruitless negotiations, it becomes obvious that the deadlock will not be broken without some initiative by the authorities; and (iv) in the event of an acute crisis. The Committee requests the Government to provide information on any progress achieved in this regard.***

Trade union rights in export processing zones (EPZs). The Committee requested the Government to provide specific information on the application of trade union rights in EPZs. The Committee notes the Government's indication that one trade union is active in this sector. ***The Committee requests the Government to keep providing specific information in this respect, including on the number of collective agreements concluded and copies of the relevant labour inspection reports.***

Collective bargaining in practice. The Committee requested the Government to provide statistical information on the number of collective agreements concluded in the country, the sectors concerned and the number of workers covered. The Committee notes the Government's indication that the situation in the country does not allow it to gather the referred information. ***The Committee hopes that the Government will be soon in a position to provide the requested information.***

Trade Unions Act. The Committee recalls that the Trade Unions Act, 2010, contains provisions which are not consistent with the principles of freedom of association (for instance, the imposition of trade union monopoly at federation level; the ban on joining more than one trade union; the need for approval from the national federation in order for federations or unions to join a local, regional or international federation; and interference in the finances of organizations). The Government indicates that owing to the situation of war, trade unions cannot carry out their functions optimally, and that the social partners are engaged in dialogue on resolving issues related to trade unions. The Committee further notes the Government's indication that the Committee's comments will be considered when the Act will be reviewed. ***Recalling the ratification of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) in 2021, the Committee once again urges the Government to take the necessary measures, in consultation with the social partners, to bring the Trade Unions Act into full conformity with Conventions Nos 87 and 98 so as to promote the full development and utilization of collective bargaining machinery. The Committee requests the Government to provide information on any progress made in this respect.***

Syrian Arab Republic

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1960)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes that in its reply to the 2012 observations of the International Trade Union Confederation (ITUC) alleging the use of police and paramilitary force in dealing with protests, deaths, arrests and imprisonment of political and human rights activists, the Government indicates that: (i) the ILO has no constitutional mandate to interfere in countries' internal political affairs, rather its mandate is to examine

allegations of economic nature or dealing with working conditions; (ii) the matter raised by the ITUC is being discussed by the Human Rights Council since 2011; (iii) the Government categorically refutes the use of violence against its citizens; the protests, killings and acts of vandalism were carried out by armed terrorist groups in order to destabilize the country; and (iv) the right to strike is provided for in article 44 of the Constitution (2012), which specifies that citizens have the right to assemble, to peacefully demonstrate and to strike. The Committee recalls that freedom of association is a principle with implications that go well beyond the mere framework of labour law. It further recalls that the ILO supervisory bodies have unceasingly stressed the interdependence between civil liberties and trade union rights, emphasizing that a truly free and independent trade union movement can only develop in a climate free from violence, pressure and threats of any kind against the leaders and members of such organizations (see the 2012 General Survey on the fundamental Conventions, paragraph 59). ***The Committee expects the Government to ensure respect for this principle.***

Article 2 of the Convention. Scope of application. The Committee had previously requested the Government to indicate whether independent workers, civil servants, agricultural workers, domestic workers and similar categories, casual workers and part-time workers whose hours of work do not exceed two hours per day enjoy the rights provided for in the Convention. The Committee notes the Government's indication that by virtue of section 5(b) of the Labour Act No. 17 of 2010, domestic workers and similar categories, workers in charity associations and organizations, casual workers and part-time workers (workers whose hours of work do not exceed two hours per day) shall be subjected to the provisions of their employment contracts, which may not, under any circumstances, prescribe fewer entitlements than those prescribed by the Labour Act, including the provisions of the Law on Trade Union Organizations. The Committee considers, however, that the right to organize of the abovementioned categories of workers excluded from the scope of application of the Labour Act should be explicitly protected in law. Therefore, the Committee requests the Government to take measures, in consultation with social partners, to adopt the necessary legislative provisions so as to ensure that these categories of workers enjoy the rights provided for in the Convention. The Committee further notes that agricultural workers and agriculture work relationships, including collective bargaining, are governed by Agricultural Relations Law No. 56 of 2004, that domestic workers are governed by Law No. 201 of 2010, and that civil servants are governed by Basic Law on State Employees No. 50 of 2004. ***The Committee requests the Government to indicate specific legislative provisions that regulate particular aspects of freedom of association rights of civil servants, agricultural workers, and domestic as well as independent workers, and to provide a copy thereof.***

Trade union monopoly. For several years, the Committee has been referring to the need for the Government to amend or repeal the legislative provisions which establish a trade union monopoly (sections 3, 4, 5 and 7 of Legislative Decree No. 84; sections 4, 6, 8, 13, 14 and 15 of Legislative Decree No. 3, amending Legislative Decree No. 84; section 2 of Legislative Decree No. 250 of 1969; and sections 26–31 of Act No. 21 of 1974). The Committee takes note of the Government's indication that workers have the right to establish independent trade unions if the union is affiliated to the General Federation of Trade Unions in Syria (GFTU). According to the Government, the application of trade union pluralism in several countries weakened trade unions and diminished workers' rights. Observing that all workers' organizations must belong to the GFTU and that any attempt to form a trade union must be subject to the consent of this Federation, the Committee considers that although it is generally to the advantage of workers and employers to avoid a proliferation of competing organizations, the right of workers to be able to establish organizations of their own choosing, as set out in Article 2of the Convention, implies that trade union diversity must remain possible in all cases. The Committee considers that it is important for workers to be able to change trade unions or to establish a new union for reasons of independence, effectiveness or ideological choice. Consequently, trade union unity imposed directly or indirectly by law is contrary to the Convention (General Survey 2012, op. cit., paragraph 92). ***The Committee reiterates its previous request and expects that all necessary measures will be taken by the Government, in full consultations with the social partners, so as to bring the national legislation into conformity with Article 2 of the Convention. It requests the Government to inform it of any progress made in this regard.***

Article 3. Financial administration of organizations. The Committee recalls that its previous comments related to the need to amend section 18(a) of Legislative Decree No. 84, as amended by section 4(5) of Legislative Decree No. 30 of 1982, so as to lift the power of the Minister to set the conditions and procedures for the investment of trade union funds in financial services and industrial sectors. The Committee notes the

Government's indication that, in accordance with the rights afforded to them by the Constitution, the GFTU and other unions are financially independent and have the right to conclude agreements and labour contracts in accordance with section 17 of the Law on Trade Union Organizations and the right to dispose of their funds and income in accordance with their internal regulations and decisions. ***Noting with regret the absence of any new development in this regard, the Committee expects the Government to undertake, as soon as possible, the revision of section 18(a) of Legislative Decree No. 84, as amended by section 4(5) of Legislative Decree No. 30 of 1982, in full consultations with the social partners. It also requests the Government to provide information on the measures taken or envisaged in this regard.***

Right of organizations to elect their representatives in full freedom. The Committee had previously requested the Government to provide specific information on the measures taken or contemplated to repeal or amend section 1(4) of Act No. 29 of 1986, amending Legislative Decree No. 84 which determines the composition of the GFTU Congress and its presiding officers. The Committee has stated on multiple occasions that it should be up to trade union constitutions and rules to establish the composition and presiding officers of trade union congresses. ***Noting with regret the absence of any new development in this regard, the Committee expects that the Government will take the necessary measures, as soon as possible, in order to amend or repeal the above-mentioned provision in consultation with the social partners so as to ensure that organizations are able to elect their representatives in full freedom. It requests the Government to provide information on the measures taken or envisaged in this respect.***

Right of organizations to formulate their programmes and organize their activities. In its previous comments, the Committee had requested that the Government take the necessary measures to amend legislative provisions that restrict the right to strike by imposing heavy sanctions including imprisonment (sections 330, 332, 333 and 334 of Legislative Decree No. 148 of 1949, issuing the Penal Code). The Committee had further observed that no reference was made to the possibility for workers to exercise their right to strike in the chapter on collective labour disputes of the Labour Act. The Committee notes the Government's indication that section 67 of the Labour Act provides protection against dismissals of unionized workers for taking part in trade-union activities. ***Recalling that in the past, the Government had indicated that the GFTU was working to modify the Labour Act to ensure coherence with articles of the Constitution granting workers the right to strike, the Committee expects that the law will be amended so as to bring it into line with the Convention and requests the Government to provide information in this regard. While noting the Government's indication that the agricultural sector is now governed by Law No. 56 of 2004, the Committee also requests the Government to indicate whether workers of this sector enjoy the right to strike and identify the relevant legislative provisions.***

While acknowledging the complexity of the situation prevailing on the ground due to the presence of armed groups and armed conflict in the country, the Committee trusts that the Government will make all efforts to bring its law and practice into conformity with the Convention.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1957)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Scope of the Convention. The Committee had previously requested the Government to specify and provide details concerning the legislative provisions affording to the following categories of workers the rights enshrined in the Convention: independent workers, civil servants, domestic servants and similar categories, workers in charity associations and organizations, casual workers and part-time workers whose hours of work do not exceed two hours per day. The Committee notes the Government's indication that : (i) pursuant to section 5(b) of the Labour Act No. 17 of 2010, domestic workers and similar categories, workers in charity associations and organizations, casual workers and part-time workers shall be subjected to the provisions of their employment contracts, which may not, under any circumstances, prescribe fewer

entitlements than those prescribed by the Labour Act, including the provisions of the Law on Trade Union Organizations; and (ii) civil servants are governed by the Basic Law on State Employees No. 50 of 2004. ***Noting that section 5(b) of the Labour Act excludes several categories of workers from its scope of application and exclusively refers to the content of their individual contracts of employment, the Committee requests the Government to specify the legislative provision recognizing the right to collective bargaining. The Committee further requests the Government to indicate legislative provisions regulating the right of collective bargaining for civil servants not engaged in the administration of the State. It further requests the Government to indicate whether independent workers enjoy the rights afforded by the Convention and to specify the relevant legislative provisions.***

Articles 1 and 2 of the Convention. Adequate protection against acts of interference. In its previous comments, noting that the Labour Act of 2010 does not expressly prohibit acts of interference on the part of the employers' or workers' organizations in each other's affairs, the Committee had requested the Government to take measures with a view to adopting clear and precise provisions prohibiting acts of interference, accompanied by sufficiently dissuasive sanctions. While observing that the Government does not provide specific information in this regard, the Committee recalls that under the terms of *Article 2* of the Convention, workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration. Acts of interference are deemed to include acts which are designed to promote the establishment of workers' organizations under the domination of an employer or an employers' organization, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers and employers' organizations (see 2012 General Survey on the fundamental Conventions, paragraph 194). ***The Committee therefore requests the Government to take the necessary measures to ensure that the legislation explicitly prohibits all of the acts covered by Article 2 of the Convention and that it provides for sufficiently dissuasive penalties in this respect.***

Article 4. Promotion of collective bargaining. The Committee had previously noted that section 187(c) of the Labour Act grants an excessive power to the Ministry to object and refuse to register a collective agreement on any grounds that it deems appropriate during a 30-day period after filing the collective agreement and therefore requested the Government to amend the provision in order to fully guarantee the principle of free and voluntary collective bargaining established in the Convention. Additionally, it pointed out that pursuant to section 214 of the Labour Act, if mediation fails, either party may file a request to initiate dispute settlement through arbitration and accordingly recalled that compulsory arbitration is only acceptable in relation to public servants engaged in the administration in the State, essential services in the strict sense of the term, and ***acute*** national crises. The Committee observes that the Government merely states that all laws and subsequent amendments on the Labour Act were adopted in full consultation with social partners, and reiterates that section 187(c) of the Labour Act aims to ensure that collective agreements are in conformity with the abovementioned Act. ***The Committee once again requests the Government to take the necessary measures to ensure that sections 187(c) and 214 of the Labour Act are brought into conformity with the Convention.***

Arbitration bodies. The Committee previously requested the Government to take measures to amend section 215 of the Labour Act so as to ensure that the composition of the tribunal is balanced and has the confidence of the parties in the arbitration mechanism. ***Noting with regret the absence of any new development in this regard, the Committee expects that the Government will undertake, as soon as possible, the amendment of the abovementioned provision.***

Application of the Convention in practice. In its previous comments, the Committee requested the Government to indicate the measures taken to promote and encourage the greater development and utilization of procedures of voluntary negotiations between employers or employers' organizations and workers' organizations. ***While taking note that the Labour Act refers in its section 178 to collective bargaining and social dialogue, the Committee requests the Government to indicate, in practice, the measures taken or envisaged to promote and encourage the greater development and utilization of procedures of voluntary negotiations between employers or employers' organizations and workers' organizations to regulate the terms and conditions working through collective bargaining. It also requests the Government to provide information on the number of existing collective agreements, the sectors concerned and the numbers of workers covered by those.***

While acknowledging the complexity of the situation prevailing on the ground due to the presence of armed groups and armed conflict in the country, the Committee trusts that the Government will make all efforts to bring its law and practice into conformity with the Convention.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Tunisia

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1957)

Previous comment

The Committee notes the observations of the Tunisian General Labour Union (UGTT) and the International Trade Union Confederation (ITUC), received on 30 August and 17 September 2024, respectively, which refer to the matters examined by the Committee below. The Committee further notes the observations of the International Organisation of Employers (IOE) received on 30 August 2024, reiterating the comments made in the discussion held in the Conference Committee on the Application of Standards (hereinafter the Conference Committee) in June 2024 on the application of the Convention.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee recalls the discussion that took place at the Conference Committee in June 2024 concerning the application of the Convention. The Committee observes that the Conference Committee noted with deep concern the reports of arrests, accusations, criminal prosecutions and administrative measures taken against trade unionists for carrying out activities protected under the Convention. The Committee notes that, in its conclusions, the Conference Committee requested the Government, in consultation with social partners, to: (i) restore an environment conducive to the enjoyment of freedom of association free from intimidations, threats and arbitrary arrests; (ii) ensure that workers' and employers' organizations are able to organize their administration and activities and to formulate their programmes in full freedom; (iii) ensure that representatives of independent international workers' and employers' organizations are allowed to support their affiliates; (iv) ensure that the Labour Code is brought in conformity with the Convention; and (v) ensure that the determination of representative organizations at sectoral and enterprise level is based on clear, pre-established and objective criteria. The Committee further notes that the Conference Committee invited the Government to seek ILO technical assistance in the implementation of its recommendations and requested the Government, before 1 September 2024, to report to the Committee on all measures taken and progress achieved in this respect, as well as on all outstanding information requested by the Committee.

Environment conducive to the enjoyment of freedom of association. The Committee notes the Government's reply to the observations made by the UGTT in 2023. The Committee notes, in particular, the Government's indication that Mr Anis Kaâbi (Secretary General of the trade union representing officials of the Tunisian Motorway Association), who was arrested on charges of wilful infliction of damage on the association (amounting to 450,000 Tunisian dinars or about US$142,000) after opening up motorway lanes free of charge during a strike, had been involved in other judicial proceedings which are unrelated to his trade union activities. The Committee further notes from the information provided by the Government to the Conference Committee that Mr Kaâbi was released on 18 April 2024, even though he is still under a travel ban.

The Committee furthermore recalls that in its 2023 observations, the UGTT indicated that: (i) Ms Esther Lynch, General Secretary of the European Trade Union Confederation (ETUC), was declared "undesirable" by the authorities and was requested to leave the country within 24 hours; and (ii) the authorities banned a delegation of the ITUC from entering the country. The Committee notes with

concern that the Government's comment thereon is limited to a broad statement that any intervention by the authorities on these matters was the result of violations by representatives of international trade unions (namely, an infringement on Tunisia's sovereignty and independence) and that their presence was tantamount to encroachment upon the country's autonomy, interference in its internal affairs and a threat to national stability and security. While recognizing that the right to exclude persons from national territory is a matter of a State sovereignty, the Committee considers that any such decision should be based on objective criteria free of anti-trade unionism. ***The Committee expects the Government to ensure the application of this principle in line with its obligations under the Convention.***

The Committee takes note of the most recent UGTT and the ITUC allegations of violations of trade union rights committed by the authorities. In particular, the Committee notes with ***concern*** the allegations of arrests, investigations, criminal prosecutions and punishments, as well as other actions taken against trade unionists, based on activities protected under the Convention or on false, fabricated and malicious charges. The Committee notes the ITUC indication in this respect that the Deputy General Secretary in charge of the private sector in the UGTT, Mr Taher Mezzi, was arrested before a protest, with the objective of threatening and weakening the union. The Committee further notes the observation of the ITUC regarding Decree-law 2022-54, which allegedly creates a permanent risk of arrest and conviction for trade unionists carrying out their union responsibilities. The ITUC alleges that the public prosecutor requested a one-year prison sentence for the General Secretary of the trade union of the Ministry of Cultural Affairs for criticising the President on social media. ***Recalling the essential link between civil liberties and trade union rights and with reference to the Conference Committee's conclusions, the Committee requests the Government to provide its comments thereon.***

Articles 2 and 3 of the Convention. Legislative amendments. The Committee previously urged the Government to take the necessary measures to amend the following sections of the Labour Code: (i) section 242, to ensure that minors who have reached the statutory minimum age for admission to employment (16 years under section 53) are able to exercise their trade union rights without authorization from their parent or guardian; (ii) section 251, to allow foreign workers access to the functions of trade union leadership, at least after a reasonable period of residence in the country; and (iii) sections 376 *bis*, 376 *ter*, 387 and 388 concerning restrictions on the exercise of the right to strike (approval of the umbrella organization before declaring a strike, compulsory indication of the duration of the strike in the strike notification and the possibility of imposing penalties in the event of an unlawful strike).

While noting the Government's indication that it is currently in the process of amending the Labour Code, the Committee once again notes with ***deep regret*** that the Government has not reported any progress in amending the above-mentioned legislative provisions in line with its previous comments. ***The Committee once again urges the Government to take the necessary steps, in response to its longstanding recommendations and in consultation with the social partners, to amend sections 242, 251, 376 bis, 376 ter, 387 and 388 of the Labour Code so as to bring it into full conformity with the Convention. The Committee expects the Government to provide detailed information on all progress made in this respect.***

The Committee also requested the Government to report on the adoption of a decree for determining the list of essential services, as provided for by section 381 *ter* of the Labour Code. ***Noting with regret that the Government does not provide any information in this respect, the Committee once again urges the Government to provide information on all measures taken toward the adoption of the said decree and to send a copy of the decree once it has been adopted.***

Representativity criteria. The Committee requested the Government to indicate all measures taken, in consultation with all concerned workers' and employers' organizations, to ensure that the determination of the representative organizations at sectoral and enterprise level is based on clear, pre-established and objective criteria. The Committee notes the Government's indication that it is in the

process of finalizing a vision for the system of trade union representation that enjoys consensus among all parties and to that end, it will hold a workshop on the identification of standards for union representation at the sectoral and establishment level in cooperation with the ILO and with the participation of employers' and workers' organizations. ***The Committee expects that the criteria for representativeness at the sectoral and establishment level will be adopted in the near future and requests the Government to provide information on all developments in this regard.***

Türkiye

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1952)

Previous comment

The Committee notes the observations of the International Organisation of Employers (IOE), received on 30 August 2024, relating to the discussions held in the Committee on the Application of Standards of the International Labour Conference (the Conference Committee) on the application of the Convention by Türkiye. The Committee also notes the observations of the Confederation of Public Employees Trade Unions (KESK) and the observations of the International Trade Union Confederation (ITUC), received respectively on 31 August and 17 September 2024, which relate to issues examined in the present comment. The Committee notes the responses of the Government to these observations.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion held in the Conference Committee in June 2024 on the application of the Convention by Türkiye, during which it noted with concern the high number of cases of anti-union discrimination in the country and the lack of sufficiently dissuasive sanctions to combat this phenomenon in law and in practice. The Committee also noted with concern the significant gaps in law and practice regarding the scope of collective bargaining. Taking into account the discussion, the Conference Committee called on the Government, in consultation with the social partners, to take appropriate and effective measures to:

- ensure the independent, expeditious and in-depth investigation into the alleged anti-union dismissals under the state of emergency decrees in the framework of procedures presenting all the guarantees of due process;
- adopt effective and dissuasive sanctions against anti-union discrimination, including anti-union dismissals, in both the public and private sectors, and ensure that workers who have suffered such prejudice are entitled to appropriate remedies (including reinstatement, financial compensation, etc.);
- engage in a comprehensive review of judicial and non-judicial mechanisms for the effective and timely investigation and redress of cases of anti-union discrimination;
- establish a robust system for collecting data on anti-union discrimination in both the public and private sectors;
- prevent interference in legitimate trade union activities and use of violence against trade union members and workers;
- amend section 34 of Act No. 6356 with a view to enabling parties in the private sector wishing to engage in cross-sector regional or national agreements to do so;
- ensure that minority trade unions are able to exercise their rights protected under the Convention;
- ensure that court proceedings on the legal validity of trade union majority certificates are concluded within a reasonable time;

- amend section 28 of Act No. 4688 with a view to removing restrictions on the material scope of collective bargaining in the public sector and to ensure that the parties concerned can autonomously decide the subjects for negotiation;
- amend existing legislation to ensure that prison staff, locum workers and public servants without a written contract can effectively exercise their right to organize and bargain collectively under the Convention;
- provide efficient and rapid remedies against the dismissal of trade union members based on state of emergency powers;
- review the method of appointment of members of the public employee arbitration board so as to ensure its independence and impartiality;
- elaborate and implement awareness-raising campaigns and programmes to educate the police and security forces, the judiciary and the administration on trade union rights;
- provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.

The Conference Committee invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Articles 1–6 of the Convention. Personal scope of the Convention. Prison staff. In its previous comments, the Committee repeatedly requested the Government to take the necessary measures to guarantee that prison staff can be effectively represented by the organizations of their own choosing in collective bargaining. The Committee notes the Government's indication that: (i) a 2023 Constitutional Court decision permits heads of departments, faculty deans, institute and college directors and their deputies to establish and join trade unions, suggesting that their roles in public power do not automatically disqualify them from trade union membership; and (ii) the justification of this decision may serve as stimulating jurisprudence for narrowing the category of public servants who cannot become members of a trade union. Noting the Government's indications, the Committee recalls that under the terms of the Convention, prison staff have the right of collective bargaining, which includes the right to be represented in negotiations by the organization of their own choosing. ***The Committee therefore once again urges the Government to take the necessary measures, including through revising section 15 of Act No. 4688, to guarantee that prison staff can be effectively represented by the organizations of their own choosing in collective bargaining.***

Locum workers and public servants working without a written contract. In its previous comments, the Committee requested the Government to ensure that locum workers, who include teachers, nurses and midwives, as well as public servants without a written contract, can exercise the rights enshrined in the Convention. The Committee notes that, while reiterating that these workers cannot join the unions established under Act No. 4688, because they are not employed in any cadre or position as required by section 3 of the law, the Government indicates that the Tripartite Consultation Board met in October 2023 under the theme of social dialogue at the Ministry of Labour and Social Security. During the meeting chaired by the Minister himself, representatives from the Ministry, its affiliated institutions, the Confederation of Turkish Trade Unions (TÜRK-İŞ), the Confederation of Real Trade Unions (HAK-İŞ), the Confederation of Progressive Trade Unions of Türkiye (DİSK), and the Turkish Confederation of Employer Associations (TİSK) discussed the country's challenges in this area. It was decided to form sub-working committees, which will immediately begin work alongside confederations, trade unions, legal experts, and academics. The sub-working committee convened its first meeting on 23 May 2024, focusing on challenges within the current collective labour legislation, and considering possible amendments in this regard. It agreed to hold a second meeting on 26 June 2024. ***Noting the Government's indications, the Committee expects that the Government will soon be able to report progress to ensure that locum workers and public servants working without a written contract can***

exercise their right to organize and collective bargaining, either by amending the law to allow them to join organizations formed under Act No. 4688, or by providing a framework within which they can create their own organizations.

Articles 1, 2 and 3. Massive dismissals in the public sector under the state of emergency decrees. In its previous comments, the Committee noted with deep concern that the public officials alleging that their dismissals in application of the State of Emergency Decree-Laws following the 2016 coup attempt were indeed motivated by anti-union reasons, had not had access to an effective, rapid, and fair procedure that would protect them against anti-union dismissals. The Committee had therefore urged the Government to take appropriate measures to ensure the independent, expeditious and in-depth investigation of such allegations in the framework of effective and rapid procedures presenting all the guarantees of due process. The Committee notes that according to the KESK's latest observations on this issue, the same situation persists and almost 60 per cent of KESK members who were dismissed continue to demand justice. The KESK alleges that even among those who have obtained the right to return to their jobs, a number of them are not being reinstated because of security investigations, which the Government does not dispute in its reply. The Committee notes the Government's reiteration that the Commission of Inquiry carried out its examinations and assessments of the applications in accordance with the procedures and principles laid down by Law No. 7075 and that it is therefore incorrect to say that KESK's members were deliberately targeted. The Government reiterates that the primary focus of the Commission of Inquiry in assessing applications was to determine whether individuals had acted in accordance with the orders and instructions of a terrorist organization. The Government adds that in each case, the grounds for dismissal and the data collected were carefully reviewed. Additionally, decisions made by judicial authorities were monitored through the National Judiciary Informatics System (UYAP). The Committee notes the Government's indication that: (i) the Commission of Inquiry's decisions, detailed in its Activity Report, were notified to the relevant institutions, with successful applicants reinstated by the respective institution or the Council of Higher Education; (ii) dissatisfied individuals could appeal to nine specialized Administrative Courts in Ankara; and (iii) dismissals were conducted in accordance with constitutional and legal provisions, aiming at eliminating threats to national security. For the Government, security-related issues are separate from labour matters, and as no trade unionist is immune from the consequences of unlawful acts, trade unionists were detained on the suspicion of being members of terrorist organizations or having participated in terrorist activities in violation of the Turkish Penal Code, Anti-Terror Law and the Law on Meetings and Demonstrations. The Committee notes once again that it cannot be inferred from the information provided by the Government that in the work of the Commission of Inquiry, consideration was given, and safeguards established to adequately examine allegations of anti-union discrimination. The Committee also notes that the Government reiterates the information provided to the Conference Committee in June 2024 according to which the President of the Republic introduced a judicial reform strategy in 2019 and that, as part of the strategy, the Eighth Judicial Package, published in March 2024, expanded the mandates and authorities of the Human Rights Compensation Commission, established in 2013, to shorten litigation processes. ***In view of the foregoing, the Committee once again expresses its deep concern that the public officials who allege that their dismissals in application of the State of Emergency Decree-Laws were indeed motivated by anti-union reasons did not have access to an effective, rapid and fair procedure that would protect them against anti-union dismissals. Therefore, the Committee once again urges the Government to take appropriate measures without further delay to ensure the independent, expeditious and in-depth investigation of such allegations in the framework of effective and rapid procedures presenting all the guarantees of due process. The Committee requests the Government to provide information on any steps taken in this respect, as well as on the impact of the Human Rights Compensation Commission in the context of the Eighth Judicial Package.***

Continued use of state of emergency powers to dismiss union members. In its previous comments, the Committee requested the Government to provide its comments on the KESK's observation that despite

the expiration of the state of emergency, governors and ministries continued to use the provisional section 35 of the Emergency Decree Law No. 375, dismissing 21 teacher members of the Education and Science Workers' Union of Turkey (EĞİTİM SEN) from Diyarbakir on 29 November 2021. ***Regretting the absence of any new information on this subject, the Committee requests the Government to provide its comments with respect to the allegation of the continued use of state of emergency powers to dismiss union members.***

Article 1. Adequate protection against anti-union dismissals. Private sector. In its previous comments the Committee noted that pursuant to the current legislation: (i) judicial authorities could in no circumstances impose an order of reinstatement on a private sector employer; (ii) section 25(4) of Act No. 6356 (Law on Trade Unions and Collective Labour Agreements) fixed a minimum amount for "union compensation" in case of acts of anti-union discrimination other than dismissal, which is the worker's annual wage, but in cases of anti-union dismissal, neither a minimum amount nor a cap was fixed in the law; the issue seemed to be left to the discretion of the judicial authority; and (iii) the Government did not refer to any other existent penalty or sanction for anti-union dismissals, and section 78 of Act No. 6356 containing penal provisions was silent about anti-union discrimination. The Committee notes that for the Government the legislation provides sufficient protection and deterrent sanctions against discriminatory acts. The Government reiterates in particular that (i) the provisions of the Labour Law No. 4857 on unjustified dismissals are designed along the lines of the Termination of Employment Convention, 1982 (No. 158), which does not require mandatory reinstatement but provides for adequate compensation; (ii) both sanctions for damages, administrative fines and actions for reinstatement are provided for violations of sections 17, 19 and 25 of Act No. 6356; (iii) actions for reinstatement and damages in cases of anti-union discrimination in employment are regulated in section 25 of Act No. 6356; and (iv) section 118 of the Penal Code No. 5237 provides that whoever uses force or threat against a person to force them to join or not to join a union, to participate in the activities of the union or to leave their position in the union or union management, will be sentenced to imprisonment from six months to two years. Concerning the amount of compensation paid to a worker dismissed for anti-union reasons, the Committee recalls, however, that there is no specific provision under Act No. 6356 setting out the amount of "union compensation", the determination of which is left to the discretion of the judge. The Committee further recalls the recommendations formulated in this regard by the Committee on Freedom of Association in Case No. 3410. ***In view of the above, the Committee once again urges the Government, in full consultation with the social partners, to take appropriate measures to adopt effective and sufficiently dissuasive sanctions against anti-union dismissals in the private sector. The Committee further requests the Government to provide information regarding the judicial practice in the determination of the amount of compensation awarded to workers dismissed for anti-union reasons. Finally, in the absence of any information brought to its attention on this subject, the Committee urges the Government to provide its comments regarding the observation of the ITUC alleging the summary dismissal of 180 workers, all members of the Turkish Wood and Paper Industry Workers' Union (AGAC-IS), after a court ordered the company to start negotiations with the union in June 2022***.

Anti-union discrimination in the public sector. In its previous comments, the Committee observed that: (i) while section 18 of Act No. 4688 prohibits anti-union discrimination including transfers and dismissals, the fine provided in section 38/b of the Act does not appear to be applicable to acts of anti-union discrimination in respect of employment, as it does not cover violations of section 18 of the Act which prohibits such acts; and (ii) the same consideration applies to section 118 of the Penal Code. The Committee notes that while the Government reiterates that the above-mentioned provisions ensure sufficient protection against all types of discrimination, it does not indicate other legal provisions allowing compensation to be awarded to public sector workers subjected to anti-union discrimination. The Committee can therefore only note once again that the legislation does not provide for compensation for victims of anti-union discrimination (including dismissals), or for any sanctions against

those responsible for anti-union discrimination. ***The Committee therefore once again urges the Government, in full consultation with the social partners, to take appropriate measures to ensure that provision is made in the legislation for an adequate protection against anti-union discrimination in the public sector, by providing for full compensation of the prejudice suffered in both occupational and financial terms and by providing for effective and sufficiently dissuasive sanctions. The Committee requests the Government to provide information on any steps taken in this respect and to provide its comments regarding the observations of the KESK in 2023 and 2024, alleging the anti-union transfer of about 30 members among its affiliates.***

Collection of data on anti-union discrimination in private and public sectors. The Committee recalls that the Government was requested to establish a system for collecting data on anti-union discrimination in both private and public sectors. The Committee notes the Government's indication that: (i) works were launched by the "distribution bureau" within the UYAP system. However, the capacity of this bureau and the heavy workload of the judicial bodies as well as the large number of cases aggravate the system of legal registration of cases in which real anti-union discrimination has been identified; (ii) the Alo 170 hotline is also a relevant tool to receive all kinds of information on labour and social security issues; and (iii) under the "Development of Social Dialogue in Working Life" project carried out jointly by the ILO and the Ministry of Labour and Social Security, the report entitled "Methods of Establishing a Data Collection System for the Detection of Trade Union Discrimination in the Private and Public Sectors and a Model Suggestion for Türkiye" was prepared with the social partners and published on 3 October 2018. However, despite the efforts outlined in the report, a concrete model proposal for Türkiye could not be developed, nor was there any existing example from other countries that could serve as a benchmark for union discrimination data reporting. The Committee further notes that the Government reiterates that the determination of whether a dismissal is due to trade union membership or activity is made by court decisions; however considering the court processes and the duration of the cases, the difficulties in tracking and recording the necessary information are considerable, and it is currently not possible to obtain reliable data on trade union discrimination. ***Noting with regret the lack of significant progress concerning this matter, the Committee once again stresses the need to take concrete steps towards establishing the system for collecting data on anti-union discrimination and expects the Government to provide in its next report information on any development in this respect.***

Article 2. Adequate protection against acts of interference. Collective agreement bonus. The Committee noted the observations of the Health Services Union (SAHİM-SEN) concerning the collective agreement bonus which was paid only to members of public servants' unions registering at least two per cent of the total number of public servants eligible to union membership in the relevant sector. The Committee notes the Government's indication that following a decision of the Constitutional Court of 18 January 2024, the rule requiring membership in public servants' unions that exceed the 2 per cent threshold to benefit from collective agreement bonuses was revoked. The Constitutional Court stated that although there is no obligation for public servants to join trade unions, the practice of granting collective agreement bonuses exclusively to members of these unions has a restrictive effect on the establishment of new unions and the freedom of choice for workers to join any union of their preference. The Committee takes due note of the Court decision.

Article 4. Promotion of collective bargaining. Cross-sector bargaining. In its previous comments, the Committee had noted that while cross-sector bargaining resulting in "public collective labour agreement framework protocols" was possible in the public sector, this was not the case in the private sector. The Committee requested the Government to initiate a new consultation process with the social partners with a view to amending section 34 of Act No. 6356 to ensure that it did not restrict the possibility of the parties in the private sector to engage in cross-sector regional or national agreements should they so desire. The Committee notes that, while the Government once again indicates that the existing system is a product of a long and well-established industrial relations system in Türkiye and that it does not prevent parties wishing to enter into sectoral agreements at the regional and national levels, the

Government is ready to consider proposals for amendments to the current collective bargaining system, to be made jointly by the social partners if they reach the necessary consensus on the changes. In this respect the Government is highlighting the legislative process that began in early 2024 with the participation of the social partners within the Tripartite Consultation Board. ***The Committee requests the Government to provide information on any developments regarding the amendment of section 34 of Act No. 6356.***

Requirements for becoming a bargaining agent. Private sector. Determination of the most representative union and rights of minority unions. The Committee recalls that section 41(1) of Act No. 6356 sets out the following requirement for becoming a collective bargaining agent at the enterprise level: the union should represent at least 1 per cent of the workers engaged in a given branch of activities and more than 50 per cent of workers employed in the workplace and 40 per cent of workers of the enterprise to engage in collective bargaining. In its previous comments, the Committee noted that the lowering in 2015 of the branch representation threshold for becoming a bargaining agent at the enterprise level from 3 to 1 per cent, had had a positive impact on the unionization rate and considered that the removal of the branch threshold would have a similarly positive impact on the rate of unionization as well as on the capacity of unions, especially independent unions who are not affiliated to large confederations, to use the collective bargaining machinery. The Committee notes the observations of the ITUC which point out that the 1 per cent threshold prevents significant trade union organizations in a variety of important sectors from engaging in collective bargaining, while questioning the method of collecting and calculating union membership over time. The Committee notes that the Government reiterates its previous statements according to which the 1 per cent threshold enables strong unions to become parties to collective bargaining agreements and thus enables employees to benefit from union rights more effectively. As far as the statistics are concerned, the Committee notes the Government's reply to the ITUC that: (i) trade union membership statistics are published under the framework of Act No. 6356, which governs the rules unions must adhere to in protecting and advancing their members' rights and regulating their activities; (ii) the Ministry of Labour and Social Security bases these statistics on membership notifications made through the e-government portal and on workers' notifications submitted to the Social Security Institution; and (iii) since the data are transferred entirely from digital platforms, the Ministry has no ability to interfere with them. The Government points out that according to the Communiqué of the Ministry of Labour and Social Security on the statistics dated July 2024, there are 231 trade unions in Türkiye, 102 of which are affiliated to 7 workers' trade union confederations and 129 are independent. Sixty-two unions pass the 1 per cent threshold required for collective bargaining, 57 of which are unions affiliated to three major confederations, namely TÜRK-İŞ, HAK-İŞ and DİSK. The Committee, however, continues to observe that: (i) close to three quarters of the unions in the country would not qualify for becoming a bargaining agent, due to the application of the 1 per cent sectoral threshold; (ii) the combination of rules governing the recognition of organizations for the purposes of collective bargaining was not conducive to the development of collective bargaining in the country; and (iii) according to ILOSTAT, 7.4 per cent of employees in Türkiye were covered by a collective agreement in 2019. ***Noting that the Government reaffirms its readiness to consider proposals to amend section 41(1) of Act No. 6356 if the social partners reach consensus in this respect, the Committee once again urges the Government, in full consultation with the social partners, to take the appropriate measures to: (i) amend section 41(1) of Act No. 6356 so as to ensure that more workers' organizations can engage in collective bargaining with the employers; and (ii) amend the legislation to ensure that in cases where no union meets the conditions for becoming an exclusive bargaining agent, minority trade unions are at least able to conclude, jointly or separately, a collective or direct agreement on behalf of their own members. The Committee further requests the Government to provide information on any steps taken in this respect. The Committee also requests the Government to continue providing information concerning the number of unions in the country indicating those***

that pass the 1 per cent sectoral threshold, the number of collective agreements concluded and in force and the number of workers covered.

Articles 4 and 6. Collective bargaining rights of public servants not engaged in the administration of the State. Material scope of collective bargaining. The Committee noted in its previous comments that section 28 of Act No. 4688, as amended in 2012, restricted the scope of collective agreements to "social and financial rights" only, thereby excluding issues such as working time, promotion and career, as well as disciplinary sanctions. In this regard, the Committee takes note of the KESK's 2024 observations stressing that the collective bargaining framework for public employees restricted the negotiations to the economic rights and did not allow to discuss other aspects of the professional life. The Committee notes that the Government reiterates that: (i) certain public servants, especially those in strategic sectors or on a contract, face restrictions regarding their union activities, and while these limitations are consistent with both national interests and international Conventions, ongoing monitoring is essential to ensure that all public servants receive adequate representation; (ii) the 2012 amendment significantly broadened the material scope of collective bargaining in the public sector and enabled public servants' unions and confederations to participate and intervene in decisions and decision-making processes that were previously taken unilaterally by the public authorities; (iii) many improvements in the financial and social rights of public servants were introduced as a result of this process; and (iv) progress was also made concerning other matters such as leave rights, introduction of disciplinary amnesty, abolition of the practice of terminating the employment of those who received reprimands during the probationary period, presence of union representatives in disciplinary committees and important arrangements regarding civil servants with disabilities. ***In view of the above, the Committee requests the Government to provide further information as to the exact material scope of collective bargaining concerning public servants not engaged in the administration of the State, both in law and in practice.***

Collective bargaining in the public sector. Participation of most representative branch unions. The Committee recalls that pursuant to section 29 of Act No. 4688, the Public Employers' Delegation (PED) and the Public Servants' Unions Delegation (PSUD) are parties to the collective agreements concluded in the public service. Even though the most representative unions in the branch are represented in the PSUD and take part in bargaining within branch-specific technical committees, their role within the PSUD is restricted in that they are not entitled to make proposals for collective agreements, in particular where their demands are qualified as general or related to more than one service branch. The Committee therefore requested the Government to ensure that Act No. 4688 and its application in practice enable the most representative unions in each branch to make proposals for collective agreements including on issues that may concern more than one service branch, as regards public servants not engaged in the administration of the State. The Committee notes that the Government merely reiterates its previous indication concerning the role of the representative branch unions within the technical committee established for each branch. ***The Committee once again requests the Government to provide specific information on the role effectively played by the most representative branch unions in the PSUD in respect of the conclusion of collective agreements that are applicable to more than one branch of activity.***

Public employee arbitration board. In its previous comments, the Committee requested the Government to consider reviewing the method of appointment of the Board members so as to more clearly show its independence and impartiality and to win the confidence of the parties. The Committee notes that the Government once again merely indicates that the chairperson of the Board is appointed from among the Presidents, Vice-Presidents or Heads of Departments of the Court of Cassation, the Council of State (Supreme Court for Administrative Courts) and the Supreme Court of Public Accounts. The Committee notes that, for its part, the KESK recalls that the seventh cycle of collective bargaining that took place in August 2023 ended with a referral to the Board, where it was decided that the Government's offer was fair, and no change was made to it in favour of the public employees. ***Recalling that the President of the Republic designates not only the chair, but 7 out of 11 members of the public***

employee arbitration board, and that as the Government is also the employer in the public sector, it is therefore a party to the negotiations on which the Board will pronounce itself, the Committee notes with regret the lack of progress on this matter and once again urges the Government to consider reviewing, in consultation with the social partners, the method of appointment of the Board members and to provide information on the steps taken in this respect.

Recalling that the Government can avail itself of ILO technical assistance, the Committee firmly hopes that the Government will make every effort to take the necessary action in the near future.

United Kingdom of Great Britain and Northern Ireland

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1949)

Previous comment

Results of the 2015 Undercover Policing Inquiry. Recalling the allegations relating to police surveillance of trade unions and trade unionists submitted by the Trades Union Congress (TUC) and the establishment of the Undercover Policing Inquiry (UCPI), which published an interim report in 2023, the Committee expected that a final report with recommendations will be issued in the very near future. The Committee notes the Government's indication that the UCPI's investigations are still ongoing. The Committee observes from the information provided by the Government that the final report is expected to be published by the end of 2026, subject to receiving the necessary funding from its sponsor Department, the Home Office. ***The Committee expects the Government to ensure that necessary funds are available to the UCPI so that it can conclude its work on time and requests the Government to provide a copy of the report once adopted.***

Article 3 of the Convention. Right of workers' organizations to organize their activities and formulate their programmes. Electronic balloting. The Committee recalls that it has been requesting the Government to provide information on the measures taken to facilitate electronic balloting (e-balloting) for industrial action ballots for a number of years. The Committee notes that the Government recognizes that the domestic law governing trade union statutory ballots is antiquated and fails to recognize the huge steps trade unions have made to engage and communicate with members. The Committee welcomes the Government's indication that as part of its plan to update trade union legislation, so that it is fit for a modern economy, it shall allow modern and secure electronic balloting and workplace ballots, as political parties and listed companies use, while ensuring high standards of engagement and participation. ***The Committee expects the Government to take all necessary measures to facilitate electronic balloting without further delay and to provide information on all progress made in this regard.***

Minimum services legislation. In its previous comment, the Committee took note of the allegations raised by the TUC in 2023 concerning the Strikes (Minimum Service Levels) Act 2023, (hereinafter the Strikes Act). The TUC alleged that the Strikes Act introduced unacceptable minimum service levels in addition to restrictive anti-strike laws already in place, granting wide power to the Secretary of State to determine the scope of these services without any guidance from Parliament, as well as the extensive list of sectors in which minimum service can be mandated, including education services and transport services. The TUC also criticized the lack of meaningful consultation with unions, the absence of mandatory agreements on minimum service levels, and provisions that impose undue obligations on unions, including enforcement of compliance by members, withdrawing the legal protection for unfair dismissal in case of non-compliance with the work order. The Committee therefore requested the Government to take the necessary measures, in preparing its regulations and other guidance, including codes of practice, to ensure that any minimum services imposed on industrial action in the transport and education sectors are indeed minimum, ensure the participation of the social partners in their

determination, and where no agreement is reached, ensure that they are determined by an independent body which has the confidence of the parties. While welcoming the Government's indication that it is committed to repealing the Strikes Act and related regulations, the Committee ***regrets*** that the Government provides no indications as to the intended timeline therefor. ***The Committee expects the Government's next report to provide detailed information on all steps taken to that end and the results achieved.***

Blacklisting. In its previous comments, the Committee requested the Government to provide information on the practice of notifying the police of the identity of activists; the details of any complaints regarding the handling of this information or its impact on lawful industrial action or lawful picketing, including any complaints made in this regard, as well as any plans for improving protection. The Committee notes the Government's indication that blacklisting is completely unacceptable and has no place in modern employment relations. The Employment Relations Act, 1999 (Blacklists) Regulations 2010 made it unlawful for an individual or organization to compile, sell or make use of a blacklist of trade union members or those who have taken part in trade union activities. Nevertheless, the Government recognizes that national legislation on blacklisting has not been updated for over a decade and needs to be modernized to account for new technologies and ways of storing data. As such, the Government is committed to updating regulations to outlaw the use of predictive technologies for blacklisting and to prevent workers from being mistreated or fired without evidence of human interaction. The Government also commits to end the loophole that allows employers to bypass laws through third party contractors. ***The Committee requests the Government to provide information on all steps taken and progress achieved in this regard. In the meantime, the Committee once again requests the Government to provide detailed information on any complaint regarding the handling of information received by the police on the identity of activists or its impact on lawful industrial action or lawful picketing.***

The Committee recalls that for a number of years it has been commenting on the following matters regarding the Trade Union Act, 2016:

- *Requirement for strike ballots.* The Committee requested the Government to review section 3 of the Act with the social partners and to ensure that the requirement of support by 40 per cent of all workers for strike ballot did not apply to the education and transport sectors.
- *The role of the Certification officer.* The Committee requested the Government to review the impact of sections 16–20 of the Act to ensure that the expansion of the role of the Certification officer does not interfere with the rights of workers' and employers' organizations under *Article 3* of the Convention and to provide information on any use by the Certification officer of its new investigatory powers and financial penalties imposed.
- *Procedural requirements for industrial action. Return of workers to their posts following lawful industrial action.* The Committee requested the Government to review sections 8 and 9 of the Act on timing and duration of industrial action, as well as to strengthen the protection available to workers undertaking official and lawful strike action.

The Committee welcomes the Government's indication that it intends to repeal the Trade Union Act and to create a new era of partnership that sees employees, unions and Government work together in cooperation and through negotiation. The Committee ***regrets***, however, that the Government provides no indications as to the intended timeline for this. ***The Committee expects the Government's next report to provide detailed information on all steps taken to that end and the results achieved.***

Sympathy strikes. The Committee recalls that the Committee on Freedom of Association (CFA) has referred to it the legislative aspects of Case No. 3432 (404th Report, October–November 2023, paragraphs 610–651). In particular, the CFA requested the Government to engage with the social partners to overcome challenges regarding the legislative prohibition on sympathy strikes. The Committee requested the Government to provide information on the measures aimed at addressing

the matters raised in that case and the outcome achieved. The Committee notes the Government's indication that the prohibition of secondary action protects the rights and freedoms of others and serves the public interest. The Government highlights that, under national law, lawful industrial action requires a trade dispute with the direct employer of the workers involved, as third-party employers cannot negotiate or resolve such dispute. Additionally, the Government indicates that this prohibition stems from the past experiences where such action has caused widespread disruption and economic harm. The Committee further notes the Government's indication that the European Court of Human Rights (ECtHR) upheld the UK's prohibition of secondary action in the *Rail Maritime and Transport Union (RMT) v. UK* case. The Government points out that secondary picketing during lawful action is permitted and protected under trade union legislation. At the outset, the Committee wishes to make it clear that the ECtHR's judgment, concerns the interpretation of the European Convention on Human Rights: "The Grand Chamber's statement reflects the distinct character of the Court's review compared with that of the supervisory procedures of the ILO and the European Social Charter. The specialised international monitoring bodies operating under those procedures have a different standpoint, shown in the more general terms used to analyse the ban on secondary action … In contrast, it is not the Court's task to review the relevant domestic law in the abstract, but to determine whether the manner in which it actually affected the applicant infringed the latter's rights under Article 11 of the Convention…" (paragraph 98 of the judgment). The Committee recalls that its mandate consists in undertaking an impartial and technical analysis of how [ILO] Conventions are applied in law and practice by Member States; in doing so, it must determine the legal scope, content and meaning of the provisions of the Conventions (see the Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), 112th Session, Geneva, 2024, General Report, paragraph 30), and, in the present case, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In this respect, the Committee recalls that it has always considered that a general prohibition of sympathy strikes could lead to abuse, particularly in the context of globalization characterized by increasing interdependence and the internationalization of production, and that workers should be able to take such action, provided that the initial strike they are supporting is itself lawful (see the 2012 General Survey on the fundamental Conventions, paragraph 125). ***The Committee therefore once again requests the Government to engage with the social partners to overcome challenges regarding the legislative prohibition on sympathy strikes, in conformity with freedom of association.***

Uzbekistan

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 2016)

Previous comment

The Committee previously requested the Government to provide its comments on the observations of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) alleging the imprisonment of two activists attempting to form an independent trade union, and the death of Mr Nuriddin Jumaniyazov, one of the imprisoned activists, while in detention. The Committee notes the Government's indication that the conviction of the above-mentioned activists was not related to any attempt to create a trade union, as they were imprisoned for human trafficking, and that the death of Mr Jumaniyazov was due to health and age-related reasons.

Article 2 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and join organizations. Distinction based on nationality. In its previous comments, the Committee noted that sections 4 and 7 of the Law on Trade Unions (LTU) granted the right to organize only to citizens. The Committee noted the Government's indication that all workers in its territory enjoyed this right due to the broad definition of "citizens" contained in section 16 of the Civil Code, and requested it to consider

amending the LTU so as to avoid any possible ambiguity or conflict in its interpretation. The Committee notes that the Government indicates that section 37 of the Labour Code provides the right to organize to all workers, in conformity with the Convention. ***While taking due note of the above, the Committee reiterates its request that the Government consider amending the LTU with a view to avoiding any ambiguity.***

Police and armed forces. The Committee previously noted that section 2 of the LTU provided that specific provisions could be established for the application of this law in the armed forces, internal affairs offices, the National Security Service, the National Guard and other military forces. The Committee noted the Government's indication that there were no obstacles to freedom of association for civilians working in internal affairs agencies and the National Guard, where trade union organizations had been established, and requested it to indicate if that was also the case in the armed forces and the National Security Services. The Committee notes that the Government states that civilians working in the armed forces and the National Security Services also enjoy freedom of association. ***The Committee requests the Government to indicate whether any trade union organizations have been created within the armed forces and the National Security Services.***

Right of workers and employers to establish organizations of their own choosing. Minimum membership requirement. The Committee previously noted that section 13(e) of the Regulations on the Procedure for State Registration of Non-Governmental Non-Commercial Organizations provided that at least 3,000 participants were required to register a non-governmental non-commercial organization in the form of a trade union, and that section 6 of the Law on Public Associations (LPA) stipulated that republican trade unions (whose activities and chartered goals are distributed over the entire territory of the republic) must have no less than 3,000 members. It requested the Government to review this minimum membership requirement to ensure that it did not hinder the right of workers to form and join organizations of their own choosing. The Committee notes that the Government informs that, in order to simplify the registration of trade unions, a draft law proposing amendments to the LPA was developed and is expected to reduce the requirement provided in section 6 from 3,000 to 1,000 members. ***Considering that a minimum membership requirement of 1,000 members could still hinder the establishment of organizations, the Committee requests the Government to take the necessary measures, in full consultation with the social partners, to lower it to a reasonable level, both in the LPA and the Regulations on the Procedure for State Registration of Non-Governmental Non-Commercial Organizations, and to provide information on all developments in this regard.***

Article 3. Right of organizations to organize their administration and activities and to formulate their programmes. Financial management. In its previous comments, the Committee noted that section 20 of the LPA, which provided that financial agencies carried out monitoring of the sources of finances and income of public associations, the quantity of the contributions they received and their payment of taxes, did not apply to trade unions, and requested the Government to indicate how it applied to employers' organizations. The Committee also requested the Government to indicate whether the obligations contained in section 8 of the Law on Non-Governmental Non-Commercial Organizations (ensuring accessibility to information about the use of their property and funds; coordinating with the registration authority the holding of events, as well as the receipt of funds and property from foreign states, international and foreign organizations, or citizens of foreign states; informing the registration authority about the visits of their representatives to foreign countries; and submitting reports on their activities to the registration authority, state tax service authorities and state statistics authorities) were applicable to trade unions and employers' organizations. The Committee notes the Government's indication that, on the basis of section 9 of the LTU, trade unions are independent in their activities, including financial activities, from state authorities, and are not accountable to or controlled by them. ***Taking due note of this information, the Committee requests the Government to indicate how section 20 of the LPA and section 8 of the Law on Non-Governmental Non-Commercial Organizations apply to employers' organizations.***

Internal administration. The Committee also requested the Government to amend section 20 of the LPA, which allowed the Ministry of Justice and its agencies to demand from the governing body of a public association an accounting of the decisions taken, to send its representatives to participate in the activities carried out by the public association, and to receive explanations from members of the public association and other citizens concerning compliance with the public association's charter. ***Noting with regret that the Government does not provide any information in this regard, the Committee once again requests it to amend the legislation so as to ensure that public authorities are not allowed to interfere in the internal administration of trade unions and employers' organizations, and to provide information on any measures taken in this respect.***

Right to strike. The Committee previously noted the allegation of the IUF that most strikes were prohibited and punishable under section 218 of the Criminal Code and section 201 of the Administrative Code. It noted with regret that sections 570 to 578 of the new Labour Code, which contained the procedure for the resolution of collective labour disputes, did not refer to the right to strike, and requested the Government to modify its legislation with a view to ensuring full recognition of the right to strike. The Committee notes the Government's indication that the Parliament is currently conducting hearings on a bill to amend the Labour Code to allow the right to strike, and that the responsible ministries and departments are studying international practices in this regard. ***The Committee expects the Government to take, in consultation with the social partners, all necessary measures towards the amendment of the Labour Code without further delay with a view to ensuring full recognition of the right to strike. The Committee requests the Government to provide information on all developments in this regard, and reminds it that it may avail itself of ILO technical assistance if it so wishes.***

Article 4. Use made of the assets of dissolved organizations. In its previous comments, the Committee noted that according to section 36 of the Law on Non-Governmental Non-Commercial Organizations, the property of a public association which had been liquidated by a court decision could not be distributed among its members. The Committee noted the Government's indication that section 20 of the LTU provided that the charters of trade unions needed to contain a procedure for the management of their assets, and requested the Government to indicate how the assets of employers' organizations were distributed in the event of dissolution. The Committee notes the Government's indication that, according to paragraph 24 of the Regulation on the Procedure for Liquidation of Non-Governmental Non-Commercial Organizations, if any property remains after fully satisfying the creditors' claims, the liquidation commission should either use it in the way specified in the court decision for the purposes of the dissolved organization or transfer it to other organizations performing similar activities.

Application of the Convention in practice. The Committee previously requested the Government to provide its comments on the allegation of the IUF that it was impossible to establish independent trade unions in the country outside the traditional structure of the Federation of Trade Unions of Uzbekistan (FPU), which was controlled by the State. It also requested the Government to provide statistical information on the number of registered employers' organizations. The Committee notes the Government's indication that: (i) there are 14 sectoral trade unions operating in the country with a total membership of 5.5 million people; (ii) a trade union of workers from a mining company, which has 70,000 members, operates independently of the FPU, although the two organizations have signed a cooperation agreement; (iii) most workers are aware that they can form trade union organizations and that membership is voluntary; and (iv) three organizations representing employers' interests have been established.

Yemen

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratification: 1976)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee had previously requested the Government to provide comments on the 2012 observations made by the International Trade Union Confederation (ITUC) alleging that striking teachers were dismissed, striking sanitation workers were injured, and that the offices of the Yemeni Journalists' Syndicate were attacked. ***Noting with regret that the Government provides no reply to these observations, the Committee reiterates its previous request.***

The Law on Trade Unions (2002)

Articles 2 and 5 of the Convention. The Committee had previously requested the Government to indicate whether employees of high-level public authorities and Cabinets of Ministers, excluded by virtue of its section 4 from the Law on Trade Unions (LTU) enjoy the right to establish and join trade unions. ***While taking due note of the Government's indication that since 2011 union committees have been established in all ministerial offices, the Committee requests the Government to clarify if senior public officials also have the right to establish and join their own organizations.***

The Committee had also requested the Government to take the necessary measures to amend sections 2, 20 and 21 of the LTU so as to repeal specific reference to the General Federation of Trade Unions of Yemen (GFTUY) and thereby to allow workers and their organizations to establish and join the federation of their own choosing. The Committee notes the Government's reiteration that it imposes no restrictions on trade union activity and that there are many unions representing workers' interests that do not operate within the framework of the GFTUY (for example, Trade Union of Doctors, Trade Union of Pharmacists, Trade Union of Engineers, and Lawyers' Trade Union). ***Noting that the specific reference to the GFTUY remains in the legislation, and that it could result in making it impossible to establish a second federation to represent workers' interests, the Committee once again requests that the Government take necessary measures to amend the LTU so as to delete this specific reference.***

Article 3. The Committee had previously requested the Government to clarify whether section 40(b) of the LTU required an authorization from the higher level trade union for a strike to be organized, and if this was the case, to take the necessary measures to amend the legislation to bring it into conformity with the Convention. In this regard, the Committee notes the Government's indication that by virtue of section 40(b) of the LTU there is a requirement to coordinate with the higher union body to organize a partial or general strike and that the Committee's previous comment on this legislative issue is being considered for the amendment of the Act. ***The Committee trusts that the Government will take the necessary measures to amend the LTU so as to ensure the right of workers' organizations to organize their activities and formulate their programmes. The Committee requests the Government to provide information on any development in this regard.***

The draft Labour Code. The Committee recalls that in its previous comments it had expressed the hope that the draft Labour Code would be adopted in the near future and that the Government would take into account the Committee's comments to further amend or revise some of the provisions in the draft. The Committee notes the Government's indication that due to the armed conflict affecting the country since 2011 it has been unable to complete the amendments of the labour legislation. The Committee further notes the Government's indication that the draft Labour Code is not applicable to domestic workers, members of the judiciary, and diplomatic and consular staff, but that their rights are guaranteed by law. ***Recalling that the only authorized exceptions from the scope of application of the Convention are members of the police and the armed forces, the Committee requests the Government to indicate all legislative provisions that afford domestic workers, members of the judiciary, and diplomatic and consular staff, the right to establish and join workers' organizations of their own choosing and without previous authorization.***

The Committee further notes the Government's indication that the draft Labour Code contains no provisions denying the right of workers' organizations to affiliate with international labour organizations. The Committee recalls that it had also requested the Government to:

- revise section 173(2) of the draft Labour Code so as to ensure that minors between the ages of 16 and 18 years may join trade unions without parental authorization;
- provide a list of essential services referred to in section 219(3) of the draft Code, which empowers the Minister to submit disputes to compulsory arbitration, which will be issued by the Council of Ministers once the Labour Code is promulgated;
- amend section 211 of the draft Labour Code which provides that strike notice must include an indication of the duration of a strike to ensure that a trade union can call a strike for an indeterminate period of time.

While acknowledging the complexity of the situation prevailing on the ground due to the presence of armed groups and armed conflict in the country, the Committee trusts that the current legislative reform will bring the national legislation into full conformity with the Convention and requests the Government to indicate any developments in this regard.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratification: 1969)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Articles 2 and 3 of the Convention. Protection against anti-union interference. The Committee recalls that, for a number of years, it has been requesting the Government to ensure that effective and sufficiently dissuasive sanctions that guarantee the protection of workers' organizations against acts of interference by employers or their organizations in trade union activities are expressly provided for in the national legislation. The Committee notes that the Government indicates once again that protection against interference for trade union activities is provided under the Labour Code and that it will seek to provide further legal protection when amending the Act on Trade Unions (ATU) in accordance with the Convention. ***The Committee once again requests the Government to indicate the progress made in this respect, and to provide copies of the amended legislative texts aimed at ensuring full respect for the rights enshrined in the Convention, as soon as they have been adopted.***

Article 4. Refusal to register a collective agreement on the basis of consideration of "economic interests of the country". The Committee recalls that it had previously requested the Government to take the necessary measures to amend sections 32(6) and 34(2) of the Labour Code so as to ensure that refusal to register a collective agreement is only possible due to a procedural flaw or because it does not conform to the minimum standards laid down by the labour legislation, and not on the basis of consideration of "the economic interests of the country". While the Committee had previously noted that the Government had adopted the Committee's proposal with regard to the amendment of the abovementioned section of the Labour Code, the Committee notes the Government's new indication that it will study the Committee's views in this respect. ***The Committee requests once again the Government to take the necessary measures to bring sections 32(6) and 34(2) of the Labour Code into conformity with the Convention.***

Articles 4 and 6. Right to collective bargaining of public servants not engaged in the administration of the State. ***The Committee once again requests the Government to indicate the legal provisions which guarantee the right to collective bargaining of public servants not engaged in the administration of the State.***

While acknowledging the complexity of the situation prevailing on the ground due to the presence of armed groups and armed conflict in the country, the Committee trusts that the Government will make all efforts to bring its law and practice into conformity with the Convention.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 11** *Mauritius, Montenegro* **Convention No. 87** *Angola, Antigua and Barbuda, Azerbaijan, Barbados, Chad, Comoros, Djibouti, Ecuador, Ethiopia, France (New Caledonia), Gabon, Gambia, Grenada, Guatemala, Guyana, Jamaica, Kiribati, Kuwait, Latvia, Lesotho, Libya, Lithuania, Luxembourg, Malawi, Mali, Mauritius, Mexico, Mozambique, Netherlands, Niger, Papua New Guinea, Republic of Korea, Republic of Moldova, Somalia, United Kingdom of Great Britain and Northern Ireland (Guernsey), Vanuatu* **Convention No. 98** *Barbados, Chad, Comoros, Dominica, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Hungary, Ireland, Kenya, Kiribati, Kuwait, Latvia, Lesotho, Libya, Lithuania, Malawi, Malaysia, Mexico, Montenegro, Mozambique, Republic of Korea, Somalia, Vanuatu* **Convention No. 135** *Antigua and Barbuda, Democratic Republic of the Congo, El Salvador, Mexico, Netherlands, Netherlands (Aruba)* **Convention No. 141** *Afghanistan, El Salvador, Netherlands* **Convention No. 151** *Luxembourg, Madagascar, Montenegro, Morocco, Namibia, Netherlands, Netherlands (Curaçao), North Macedonia* **Convention No. 154** *El Salvador, Madagascar, Morocco, North Macedonia, Romania.*

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 87** *Netherlands (Caribbean Part of the Netherlands)* **Convention No. 135** *Luxembourg* **Convention No. 141** *North Macedonia.*

Forced labour

Belize

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1983)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1(c) of the Convention. Disciplinary measures applicable to seafarers. In its previous comments, the Committee noted that section 60(1) and (3) of the Harbours and Merchant Shipping Act, Chapter 234 (revised edition, 2000) provided for penalties of imprisonment for breaches of discipline such as desertion or absence without leave and disobedience, and that deserted seafarers may be forcibly returned on board ship. The Committee noted that by virtue of section 66 of the Prison Rules, Chapter 110, every convicted prisoner has the obligation to perform labour. The Committee recalled that the imposition of sanctions involving compulsory labour in relation to disciplinary offences should be limited to acts tending to endanger the ship or the life or health of persons. The Committee also pointed out that provisions under which seafarers may be forcibly returned on board ship to perform their duties are incompatible with this Convention. Therefore, it requested the Government to take measures to bring the Harbours and Merchant Shipping Act, into conformity with the Convention. The Committee notes with ***satisfaction*** that section 60 of the Harbours and Merchant Shipping Act (Chapter 234) was repealed by the Act No. 11 of 2007.

Article 1(c) and (d). Penalties involving compulsory labour as a punishment for having participated in strikes. For a number of years, the Committee has referred to section 35 (2) of the Trade Unions Act, Chapter 300, according to which a person employed for the provision of a public service (electricity, water, railway, health, sanitary or medical service, communication or any other services declared by the Minister to be a public service), who wilfully or maliciously breaks his/her contractual obligations knowing or having reasonable cause to believe that the probable consequences of his/her so doing, either alone or in combination with others, will be to cause injury or danger or grave inconvenience to the community, commits an offence and is liable to imprisonment.

The Committee observed that section 35(2) of the Trade Unions Act provides for prison sanctions involving compulsory labour in relation to acts that will not only cause injury or danger to the community but, alternatively, will cause grave inconvenience to the community, and applies to a large range of public services that are not limited to services the interruption of which would endanger the life, personal safety or health of the whole or part of the population. The Committee recalled in this respect that the imposition of sanctions involving compulsory labour as a punishment for breaches of labour discipline or for having participated in strikes is incompatible with the Convention.

The Committee notes the Government's indication in its report that the Labour Advisory Board was reactivated to revise national legislation in order to bring it into conformity with international labour Conventions. ***Thus, the Committee once again requests the Government to take the necessary measures to review section 35 (2) of the Trade Unions Act in order to bring the legislation into conformity with the Convention and ensure that no sanctions involving compulsory labour could be imposed as a punishment for breaches of labour discipline that do not endanger the life, personal safety or health of the whole or part of the population, or for peaceful participation in strikes. The Committee requests the Government to provide information on any progress made in this respect and encourages the Government to avail itself of ILO technical assistance in this regard.***

The Committee is raising other points in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Burundi

Forced Labour Convention, 1930 (No. 29) (ratification: 1963)

The Committee takes note of the observations of the Confederation of Trade Unions of Burundi (COSYBU), received on 27 August 2024, indicating in particular that there has never been any consultation within a legal framework to discuss the implementation of the ratified Conventions. ***The Committee requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee takes note of the observation of the Trade Union Confederation of Burundi (COSYBU), received on 28 August 2021.

Article 1(1) and Article 2(1) of the Convention. Compulsory community development work. For more than ten years, the Committee has referred to the question of community work in which the population participates under Act No. 1/016 of 20 April 2005 organizing municipal administration. With the objective of promoting the economic and social development of municipalities at both the individual level and on a collective and unified basis, municipalities may cooperate through a system of inter-municipality, and it is up to the municipal council to establish the community development programme, monitor its implementation and carry out the evaluation thereof. While noting the Government's indication that the law does not provide for penalties against persons who do not engage in community work, the Committee observes that this work is undertaken by the population without a text regulating the nature of the work, the terms under which the work may be required of the population, nor the manner in which the work is organized. The Committee also noted that the COSYBU referred to the fact that the population is not consulted on the nature of the work, which is decided upon unilaterally, and that the police prevent the population from moving during such work, by closing the streets. The Committee drew the Government's attention to the need to adopt regulations to Act No. 1/016 of 20 April 2005 organizing municipal administration, to provide a framework for participation in community work and its organization, and enshrine the voluntary nature of the work.

In its report, the Government reiterates that participation in community work is voluntary, and that it takes due note of the need to regulate Act No. 1/016. The Committee notes however that Basic Act No. 1/04 of 19 February 2020 amending certain provisions of Act No. 1/33 of 28 November 2014 organizing municipal administration, does not enshrine the voluntary character of the work. This Act reprises certain provisions of Act No. 1/016 of 20 April 2005, and specifies that municipalities must promote their economic and social development at both the individual level and on a collective and unified basis, and that it is up to the municipal council to monitor the implementation and carry out the evaluation of the municipal development programme. The Committee notes the new observations from the COSYBU according to which during the performance of community works circulation in the streets is free, although no information regarding the lifting of the street closures has been provided.

The Committee observes, from the information available on the Government's website, that certain community work consists of renewing bridges and roads. Furthermore, according to information available on the National Assembly website, community work that helps install municipal, regional and national infrastructure, boosts the national budget allocated to the country's socio-economic policies by the equivalent of more than 10 per cent each year, and appears to implicate the entire population. The Committee also notes that, in its annual report for 2020, the Independent National Human Rights Commission (CNIDH) refers to labour supplied by the population, which had been used for the construction of new classrooms. ***In light of the nature of the work undertaken, its scale and the importance that it holds for the country, the Committee again requests the Government to take the appropriate measures to regulate the ways in which the population participates in community work, and to enshrine the voluntary nature of this participation. It requests the Government to provide information on progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1963)

The Committee takes note of the observations of the Confederation of Trade Unions of Burundi (COSYBU), received on 27 August 2024, indicating in particular that there has never been any consultation within a legal framework to discuss the implementation of the ratified Conventions. ***The Committee requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the Trade Union Confederation of Burundi (COSYBU), received on 28 August 2021.

Article 1(a) of the Convention. Imprisonment involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. The Committee previously expressed its concern at the continued existence of the provisions of the laws (the Penal Code and the Press Act) which can be used to restrict the exercise of the freedom to express political or ideological views (orally, through the press or via other communication media) and which result in the imposition of penalties involving compulsory prison labour, inasmuch as section 25 of Act No. 1/026 of 22 September 2003 issuing the prison regulations provides that work remains compulsory for all prisoners. The Committee referred to sections 600 (distribution, circulation or display of documents that are damaging to the national interest, for propaganda purposes) and 601 of the Penal Code (receipt of advantages from abroad intended to conduct an activity or propaganda such as to undermine the loyalty of citizens towards the State). The Committee urged the Government to ensure that no penalty involving compulsory labour may be imposed for the peaceful expression of political views or views ideologically opposed to the established system.

The Committee notes the Government's indication in its report that the Penal Code was revised following the adoption of Act No. 1/27 of 29 December 2017, revising the Penal Code. The Government indicates that freedom of expression is guaranteed by the Constitution and also refers to provisions guaranteeing respect for the right to a fair trial which protect journalists and human rights defenders. The Committee notes that, in its observations, COSYBU states that the organization of public demonstrations and opposition movements is viewed negatively by the public authorities and that some labour movements exerting pressure with regard to legitimate demands have been stopped by the police and certain union leaders punished.

The Committee notes that section 25 of Act No. 1/24 of 14 December 2017 on the revision of the prison system reproduces the same provisions as in section 25 of Act No. 1/026 of 22 September 2003 on the prison system. Work therefore remains compulsory for all prisoners with a prison sentence. It further notes that the revised Penal Code of 2017 provides for imprisonment (consequently involving prison labour) for certain activities that may fall within the scope of *Article 1(a)* of the Convention, namely activities through which persons express ideas or views opposed to the established political, economic or social system:

- injurious allegations, likely to be prejudicial to the honour or reputation of a person or expose him or her to public scorn (section 264);
- insults (sections 265 and 268);
- acts against the decency of the head of State or an agent exercising public authority (sections 394 and 396);
- withdrawal, destruction, damage, replacement or insult of the flag or official insignia (section 398);
- distribution, circulation or public display of pamphlets, bulletins or flyers from abroad or inspired by foreign sources intended to harm the national interest, for propaganda purposes, as well as the possession of such documents with a view to such acts (section 623);
- the receipt, by a foreign person or organization, of donations, presents, loans or other advantages, intended or used to conduct or remunerate in Burundi an activity or propaganda such as to undermine the loyalty that the citizens owe to the State and institutions of Burundi (section 624);

- the contribution to the publication, dissemination or reproduction of fake news with a view to causing a breach of the peace, as well as the exhibition in public places or places open to the public of any objects or images likely to breach the peace (section 625).

Furthermore, the Committee notes that Act No. 1/19 of 14 September 2018, amending Act No. 1/15 of 9 May 2015, governing the press in Burundi, provides that failure to comply with its provisions is subject to criminal penalties. The Committee notes in this regard that, under section 52 of the Act, journalists must only publish information considered "balanced". Section 62 provides that the press shall treat information in a "balanced" manner and shall refrain from broadcasting or publishing content that is harmful to good moral standards and public order.

The Committee notes that, in its report of 13 August 2020, the United Nations Commission of Inquiry on Burundi indicates that political opponents were victims of serious human rights violations, in the context of the 2020 electoral process, which included arbitrary detentions, convictions with sentences of several years in prison and murders in reprisal for their political activities (A/HRC/45/32, paras 31, 32, 34, 35 and 58). The press is also monitored, and journalists and human rights defenders have been sentenced to imprisonment because of their work (paras 41 to 43). At its oral presentation on 11 March 2021 to the 46th session of the Human Rights Council, the Commission of Inquiry on Burundi noted that several human rights defenders, political opponents and journalists were sentenced to imprisonment for endangering the internal security of the State, rebellion and false accusations owing to their activities and criticism.

The Committee notes with ***regret*** that the 2017 Penal Code still contains provisions permitting punishment by imprisonment involving compulsory prison labour for activities associated with the expression of political views or views opposed to the established system. It also notes with ***deep concern*** the information relating to the judicial punishment of journalists and political opponents. The Committee once again recalls that under *Article 1(a)* of the Convention, persons, without recourse to violence, holding or expressing political views or views ideologically opposed to the established political, social or economic system must not be subject to punishments that would require them to work, including compulsory prison labour. ***The Committee therefore urges the Government to take the necessary measures to ensure that, in law and practice, no person expressing political views or views ideologically opposed to the established political, social or economic system, including journalists, human rights defenders and political opponents, may not be liable or sentenced to imprisonment, which, under national legislation, involves compulsory labour. The Committee requests the Government to indicate the measures taken to revise the above legislation to this end. It meanwhile requests the Government to provide information on the application in practice of the above sections of the Penal Code, particularly the number of prosecutions brought and penalties imposed, as well as any court decisions recognizing criminal responsibility and criminally sanctioning non-compliance with the provisions of Act No. 1/19 governing the press in Burundi.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Chad

Forced Labour Convention, 1930 (No. 29) (ratification: 1960)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. Further to its previous comments, the Committee notes the text of Ordinance No. 006/PR/2018 of 30 March 2018, on action against trafficking in persons in the Republic of Chad, which prescribes a prison sentence of between 4 and 30 years, plus a fine for any person convicted of trafficking in persons where certain aggravating circumstances are involved, which are defined as including sexual and labour exploitation, exploitation for begging, and exploitation for the performance of illicit activities. The Ordinance also includes measures for the protection, compensation and assistance of trafficking victims, including the provision of safe accommodation, access to medical and psychological care, and information on legal and judicial assistance. The Ordinance further provides for the setting up of a national commission against

trafficking in persons, with one of its roles being the implementation of government anti-trafficking policies. The Committee observes in this regard that, according to information on the website of the International Organization for Migration (IOM), the National Commission against Human Trafficking (CNLTP) was established in 2021 and that the Government has also set up a multi-sectoral technical committee against human trafficking and smuggling of migrants.

The Committee notes that the United Nations Working Group on the Universal Periodic Review, in its 2023 report, indicated that Chad had set up a national referral mechanism and standard operating procedures for dealing with trafficking victims. The Working Group also noted that more than a million refugees, asylum seekers and displaced persons were being hosted in the country. It further emphasized that mercenaries were reportedly involved in human rights violations, including trafficking in persons (A/HRC/WG.6/45/TCD/2). ***The Committee requests the Government to continue its action to combat trafficking in persons and requests it to send detailed information on the following points to enable an evaluation of the impact of this action:***

- ***the activities carried out by the National Commission against Human Trafficking (CNLTP) and the multisectoral technical committee against human trafficking and smuggling of migrants;***
- ***the number of victims who have been identified and have benefited from protection and assistance measures, and the measures taken to prevent trafficking among persons in situations of vulnerability, in particular refugees and displaced persons;***
- ***the number of investigations and prosecutions carried out in human trafficking cases and the penalties imposed pursuant to the Ordinance of 30 March 2018 on action against trafficking in persons in the Republic of Chad;***
- ***the punishments incurred by persons engaging in trafficking outside of the aggravating circumstances defined by the above-mentioned Ordinance.***

Article 2(2)(a). Work in the general interest imposed in the context of compulsory military service. For many years the Committee has been drawing the Government's attention to the need to bring into conformity with the Convention the provisions of section 32 of Act No. 012/PR/2006 of 10 March 2006 reorganizing the armed and security forces (formerly section 14 of Ordinance No. 001/PCE/CEDNACVG/91). Under these provisions, conscripts who are fit for service are classified into two categories, one of which remains at the disposal of the military authorities for two years and may be called upon to perform work in the general interest by order of the Government, going beyond the exceptions provided for by the Convention.

The Committee notes that the Government merely indicates in its report that a copy of the texts in force governing compulsory military service will be sent to the Committee, and is bound once again to note with ***regret*** the lack of information on any progress made to amend section 32 of the Act of 10 March 2006 reorganizing the armed and security forces. ***The Committee therefore urges the Government to take the necessary steps, in law and in practice, to limit the work carried out as part of compulsory military service to that of a purely military character, in accordance with Article 2(2)(a) of the Convention. In the meantime, the Committee requests the Government to provide information on the number of persons performing work in the general interest by order of the Government and on the nature of such work.***

Article 2(2)(c). Work imposed by an administrative authority. The Committee previously urged the Government to repeal or amend section 2 of Act No. 14 of 13 November 1959 authorizing the Government to take administrative measures for relocation, internment or expulsion, under which the administrative authorities may impose work in the public interest on persons who are the subject of a ban on residence and have completed their sentence.

The Committee notes that the Government merely refers to the provisions of article 18 of the Constitution, under which the human person is inviolable and has the right to respect for his/her life and physical and psychological integrity, security and freedom. The Committee is therefore bound once

again to note with ***regret*** the absence of information on the measures taken to bring the legislation into conformity with *Article 2(2)(c)* of the Convention. In this regard, the Committee recalls that the provisions authorizing the imposition of work by an administrative authority on persons who have already served their sentence go beyond the exception provided for in *Article 2(2)(c)* of the Convention relating to work exacted as a consequence of a court conviction. ***The Committee trusts that the Government will take the necessary measures without delay to amend or repeal section 2 of Act No. 14 of 13 November 1959 in order to eliminate the possibility for an administrative authority to impose work in the public interest outside the scope of any conviction handed down by a judicial authority. In the meantime, the Committee requests the Government to provide information on the number of persons who have been required by an administrative authority to perform work in the public interest pursuant to the above-mentioned section 2.***

The Committee is raising other matters in a request addressed directly to the Government.

China

Forced Labour Convention, 1930 (No. 29) (ratification: 2022)

The Committee welcomes the timely first report presented by the Government and the detailed information on the comprehensive legal and regulatory framework developed in the last few decades to suppress all forms of forced labour. It welcomes the significant efforts made at strengthening the national law and practice to combat various forms of forced labour in this period of time with the technical assistance intermittently provided by the Office since 2003. The Committee recognizes in particular the progress China has been making in that period towards the effective application of the Convention in preparing for its ratification, notably the adoption of the Labour Contracts Law (2007), which has formalized employment relationships reducing the vulnerability of workers to forced labour and has introduced specific provisions supporting the prevention or prohibition of forced labour; the abolition of "re-education through labour" (劳动教养) in 2013; the amendment of article 241, paragraph 6, of the Criminal Law in 2015 to criminalize any act of buying women and children who are victims of trafficking; the abolition of the "custody and education" (收容教育) system for sex workers and their clients in 2019; the gradual strengthening of penal sanctions for perpetrators of forced labour in the Criminal Law; the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2010; the determination to investigate administrative, civil and criminal liability associated with forced labour, combat cyber-facilitated trafficking in persons crimes and improving labour recruitment procedures in China's Action Plan against Human Trafficking (2021–2030) approved by the State Council in 2021; and the Administrative Provisions on Internships for Vocational School Students approved by nine ministries in 2021 and strengthened protection of students in section 50 of the Vocational Education Law (2023).

Article 1(1) of the Convention. Forced or compulsory labour of ethnic and religious minorities. The Committee notes the observations made by the International Trade Union Confederation (ITUC), received on 18 September 2024, aspects of which have been the subject of its examination of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 2021 and 2022 – and that of the Conference Committee on the Application of Standards in 2022 – as well as of its past and current examination of the Employment Policy Convention, 1964 (No. 122). In its latest observations, the ITUC alleges widespread and state-sponsored forced labour practices in both the Xinjiang Uyghur Autonomous Region (Xinjiang) and the Tibet Autonomous Region (Tibet). According to the ITUC, two major systems of coercive work placement coexist in Xinjiang. Firstly, a system of arbitrary detention for Uyghurs and other ethnic and religious minorities suspected of endangering social stability and national security (the "Vocational Skills Training and Education Centers" or VSTEC system) which since 2020 has been replaced with institutionalized long-term detention in regular prisons following a formal legal

process, notably of prominent intellectuals and continued forced placement of "released" detainees in labour-intensive industries such as textiles and electronics. Secondly, a system of transferring "surplus" rural workers from low-income traditional livelihoods pursuits into industries such as the processing of raw materials for the production of solar panels, batteries and other vehicle parts; seasonal agricultural work; and seafood processing. In recent years, based on an intensified campaign of investigating and monitoring the poverty status of millions of rural households, the authorities had raised targets leading to increased cross-provincial labour transfers. At the same time, local authorities had "actively guided" ethnic smallholder farmers to transfer their agricultural plots to large state-led cooperatives, thus "liberating" "surplus" rural workers for transfer into manufacturing or the service sector. The ITUC alleges that in the last decade, similar policies have been pursued in the Tibet Autonomous Region (Tibet). These policies would apply coercive methods such as military-style vocational training methods and the involvement of political cadres to have Tibetan nomads and farmers swap their traditional livelihoods for jobs providing measurable cash income in industries such as road construction, mining or food-processing, thereby diluting "the negative influence of religion". Placement incentives to local labour brokers and companies had facilitated a gradual increase in the labour transfer of rural workers to reach 630,000 workers in 2024. ***The Committee requests the Government to provide its detailed comments in reply to these observations from the ITUC.***

The Committee notes the reports of various UN human rights mechanisms in recent years examining similar allegations while welcoming the ratification of Conventions Nos 29 and 105. In 2022, the Committee on the Elimination of Racial Discrimination (CERD) under its Early Warning and Urgent Action Procedure called for an immediate investigation of all allegations of human rights violations in Xinjiang, including those of forced labour. In 2023, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern regarding the employment situation of Uyghur, Kazakh, Kyrgyz, Hui and Turkic-speaking peoples, as well as other ethnic minorities in China, particularly Muslim minorities, that provides numerous indications of coercive measures, including forced labour (E/C.12/CHN/CO/3). In 2023, the UN Committee on the Elimination of All Forms of Discrimination against Women expressed concern about reports that "labour transfer" and "vocational training" programmes in the Tibet Autonomous Region of China relegated Tibetan women to training in low-skilled jobs and disregarded their unique skills; and about reports of coercive employment measures against Uyghur women, including forced labour, in addition to sexual violence in vocational education and training centres for Uyghur women. Various mandates of the UN Human Rights Council have on several occasions received information that appear to support the allegations currently before the Committee.

The Committee further recalls its own previous comments and those of the Conference Committee on the Application of Standards in respect of the application by China of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In these comments, it had expressed deep concern in respect of serious allegations of discrimination against ethnic and religious minorities in Xinjiang, based on policy guidelines expressed in numerous national and regional policy and regulatory documents. In particular, it had noted the broadly worded definition of extremism in the Xinjiang Regulation on Deradicalization (XRD), supported by indicators ("primary expressions of radicalization") that might otherwise be construed as matters of personal choice and legitimate religious practice. It had noted the extensive digital and personal surveillance apparatus in Xinjiang and the regulatory potential for administrative detention of suspected extremists. In its comments on the Employment Policy Convention, 1964 (No. 122), it had further noted various indicators suggesting the presence of a "labour transfer policy" using measures severely restricting the free choice of employment based on the Government's references to significant numbers of "surplus rural labour" being "relocated" to industrial and agricultural employment sites located inside and outside Xinjiang under "structured conditions" of "labour management". ***In this context, the Committee requests the Government to indicate the measures taken or envisaged, both in law and in practice, to amend national and regional regulatory***

provisions with a view to revising its deradicalization and employment policies in a manner that does not cause ethnic and religious minorities to fall victim to forced or compulsory labour.

Articles 1(1), 2(1) and 25 of the Convention. Vulnerable situation of foreign migrants with regard to the exaction of forced labour. The Committee notes a report of the Office of the High Commissioner for Human Rights (OHCHR, 2024) highlighting several ILO forced labour indicators suggesting forced labour practices involving overseas workers from the Democratic People's Republic of Korea (DPRK), including in China. The report refers to DPRK nationals working overseas in a coercive and exploitative environment buttressed by the threat of repatriation if they do not perform well enough or commit infractions. Also in 2024, various mandates of the UN Human Rights Council requested further information about investigations into the situation of girls and women from the DPRK that have been trafficked for the purposes of forced marriage, sexual exploitation, forced labour and domestic servitude. The Committee recalls that ratifying States must suppress all forms of forced labour occurring within their territory or jurisdiction. ***The Committee requests the Government to undertake efforts to prevent foreign migrants from falling victim to abusive practices and conditions that amount to the exaction of forced labour and to ensure their access to justice and remedies. The Committee also requests the Government to supply information on the number of identified victims of abusive practices among migrant workers, and on the number of investigations, prosecutions and penalties imposed on the perpetrators.***

The Committee is raising further questions in a request addressed directly to the Government, noting in particular that full application of the Convention requires legal and regulatory provisions adopted at all administrative levels (i.e. national, provincial, municipal, prefectural, county and township levels) to be in accordance with the provisions of the Convention.

[The Government is asked to reply in full to the present comments in 2025.]

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 2022)

The Committee welcomes the timely first report presented by the Government and the detailed information on its legal and regulatory framework relevant to the abolition of forced labour in the circumstances envisaged in the Convention.

The Committee recalls its consistent practice of requesting governments to review legal provisions which enforce the prohibition of the expression of views or opposition to the established political, social or economic system not involving incitement to violence, civil strife or racial hatred, by means of forced or compulsory labour, whether such prohibition is imposed by law or by a discretionary administrative or judicial decision. It has particularly done so in respect of legal provisions aimed at establishing legitimate restrictions to the right to freedom of expression or assembly, but which are worded in terms broad enough to lend themselves to an interpretation and application that could be incompatible with the Convention. This is the case of provisions aimed at protecting public order by prohibiting the publication and dissemination of "fake news" or information that is "likely" to prejudice national interests or disturb the constitutional order, as well as provisions prohibiting acts of subversion or engagement in agitation or propaganda with a view to "weakening" the authority of the State. In these cases, the Committee requests the Governments concerned to review the wording of the provisions to limit their scope to effective and concrete threats to public order, or the use or threatened use of violence (see the Committee's 2023 general observation on the Convention).

The Committee further notes that the UN Committee on Economic, Social and Cultural Rights in 2023 expressed its concern about reports that human rights defenders and lawyers working on human rights issues are systematically subjected to prosecution, reprisals and intimidation for their legitimate activities, including by being arbitrarily sentenced to long terms in prison or house arrest, tortured and subjected to enforced disappearance, and recommended that the Government refrain from persecuting and prosecuting human rights defenders and lawyers working on human rights issues for broadly defined offences (E/C.12/CHN/CO/3, paragraphs 15 and 16).

In this regard, the Committee notes the observations made by the International Trade Union Confederation (ITUC), received on 18 September 2024, drawing attention to the recent convictions of labour activists and human rights defenders for the crime of subversion of state power in accordance with article 105(2) of the Criminal Law of China. According to the ITUC, on 14 June 2024, Mr Wang Jianbing (王建兵) was convicted by the Intermediate Court of Guangzhou Municipality and sentenced to imprisonment to three years and six months on charges of overseas anti-China networking, posting false statements on social media to slander the government and the socio-political system in China, and organizing private gatherings to discuss social topics in China. Ms Huang Xueqin (黃雪琴), a women's rights activist, was sentenced to five years' imprisonment. Both activists have appealed their sentences and remain in detention at Guangzhou No. 1 Detention Center, in the case of Mr Wang allegedly without access to adequate medical treatment. ***The Committee requests the Government to provide its comments in reply to these observations from the ITUC.***

The Committee is raising further questions in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2025.]

Colombia

Forced Labour Convention, 1930 (No. 29) (ratification: 1969)

Previous comment: observation

Previous comment: direct request

The Committee notes the observations of the National Employers Association of Colombia (ANDI), received on 30 August 2024. It also notes the joint observations of the Single Confederation of Workers of Colombia (CUT), the Confederation of Workers of Colombia (CTC) and the General Confederation of Labour (CGT), received on 3 September 2024.

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. *National strategy*. With reference to the measures adopted within the framework of the National Strategy to Combat Trafficking in Persons (2020–24), the Government indicates that technical assistance is provided through the Ministry of the Interior to the local committees to combat trafficking in persons at both the departmental and municipal levels. There are active departmental committees with their local plans of action in force in 32 departments. It also reports the establishment of the REDPAT, a technological tool which facilitates the development of local plans of action at the departmental level.

The Committee notes the information that, between July 2021 and June 2024, a total of 635 awareness-raising sessions were undertaken, from which 236,458 persons benefited. Moreover, between 2021 and 2024, the Special Colombian Migration Administrative Unit (UAEMC) gave prevention talks on the crime of trafficking in persons to 119 potential victims of trafficking in the various migration control posts so that they are aware of their rights. In addition, 2,447 consultation and capacity-building activities for the prevention of trafficking in persons were carried out resulting in the increased awareness of 125,010 persons.

The Committee also notes that the Ministry of Labour has included a module in its virtual campus with a view to improving the understanding of trafficking in persons for forced labour, in which 669 public officials participated between 2021 and 2023. Moreover, efforts are made to disseminate information on trafficking in persons, sexual exploitation and the smuggling of migrants, with particular reference to the practices used, the related dangers and risks and the authorities that can be addressed through the national "It's a lie" (*#EsoEsCuento*) strategy, with a focus on public spaces related to means of transport, such as airports and bus stations.

The Committee also notes that both the ANDI and the CUT, the CTC and the CGT in their joint observations, while recognizing the implementation of the National Strategy and the existence of a

legislative framework to combat trafficking in persons, report the persistence of the problem. With reference to the increase in the number of cases of trafficking, the ANDI indicates that over the past four years, the number of victims of trafficking in persons has increased by 154 per cent. The CUT, the CTC and the CGT also allege that the increase in the number of cases of trafficking in persons over recent years could be attributed to the ineffectiveness of the measures adopted by the Government, the under-reporting of cases of trafficking or the migration crisis confronting the country. In this regard, they call for measures focusing particularly on the Darién region, which is one of the areas with the highest rates of illegal migration.

The Committee further notes that the United Nations Human Rights Committee, in its concluding observations in 2023, noted with concern the persistence of trafficking in persons, and particularly the trafficking of vulnerable persons, such as persons of African descent and indigenous persons (CCPR/C/COL/CO/8). Similarly, the United Nations Special Rapporteur on trafficking in persons, especially women and children, in her final report in 2024 on her visit to Colombia, expressed concern at the incidence of conflict-related trafficking, the presence of armed groups engaging in trafficking in persons and the presence of trafficking for forced labour by armed groups in the illegal mining sector, including in gold mining (A/HRC/56/60/Add.1).

The Committee therefore encourages the Government to continue making all the necessary efforts to prevent and combat trafficking in persons within the framework of the National Strategy, especially in high-risk sectors and in areas where there are significant migration flows. The Committee requests the Government to provide information on: (i) the evaluations of the implementation of the National Strategy undertaken by the Inter-institutional Committee to Combat Trafficking in Persons; (ii) the results achieved; (iii) the difficulties encountered; and (iv) the action proposed by the Inter-institutional Committee with a view to the adoption of a new National Strategy. The Committee also requests the Government to provide information on the coordination between the Inter-institutional Committee and local and municipal committees.

2. *Protection of victims*. With reference to the protection measures granted to victims, the Government indicates that in 2023 the Ministry of Labour referred 23 victims of trafficking in persons for support from the National Education Service (SENA), of whom 4 victims were registered for coverage by the Public Employment Agency, 11 victims received vocational guidance and 3 victims were given jobs. It adds that 10 persons gained access to the vocational training service and 13 to training courses, and that no victims requested entrepreneurship courses or the certification of vocational skills.

With regard to the strengthening of the identification system, the Government indicates that the Office of the Public Prosecutor (FGN) has drawn up a strategy to address the criminal activities of trafficking in persons and the smuggling of migrants and the associated or related crimes (Decision No. 0-0261 of 2022) and has established an investigation and coordination working group for its implementation. Moreover, Decision No. 205 of 2024 issues regulations covering the Protection Programme for Witnesses, Victims, Persons Involved in the Criminal Trial and Officials of the Office of the Public Prosecutor, adopting security and assistance measures for victims who are at risk as a result of a criminal trial, including physical protection, security plans, changes of housing and adaptation of housing, clothing, psychosocial support, education and work-related training. The Committee further notes that, between 2021 and 2024, the Special Colombian Migration Administrative Unit (UAEMC) provided assistance to 651 repatriated victims who required assistance or support, of whom 80 victims had suffered exploitation through forced labour, 58 per cent of whom were men and 42 per cent women.

In this regard, the Committee notes that the CUT, the CTC and the CGT, in their joint observations, consider that, in view of the low number of victims who request protection measures, it is important to take measures to reach out to victims of trafficking, such as broad awareness-raising campaigns with a

view to disseminating information on the mechanisms available through the Government for the restoration of their rights.

The Committee also notes that the United Nations Special Rapporteur on trafficking in persons, especially women and children, in her final report of 2024 on her visit to Colombia, expressed concern at the presence of armed groups and criminal organizations, which hinder prevention and protection measures, and emphasized the under-reporting of cases of trafficking in persons due to fear of and the risks of reprisals by armed groups and criminal organizations, and the limited presence of civilian authorities (A/HRC/56/60/Add.1). ***The Committee requests the Government to continue taking measures to strengthen the capacities of the authorities so that they take proactive action, especially in areas where there is a high incidence of criminal groups, with a view to the identification of victims of trafficking in persons for labour and sexual exploitation, and to ensure that they are informed of their rights and are provided with comprehensive care and protection. The Committee requests the Government to provide information on this subject.***

3. *Prosecution and application of criminal penalties.* The Committee notes the Government's indication that between 2014 and 2024 there were a total of 236 cases, of which 184 involved forced labour and 52 concerned slavery. Moreover, between 2020 and the first quarter of 2024, under sections 141B and 188A of the Penal Code, which criminalize trafficking in persons, there were 63 trials in 2020, 97 in 2021, 81 in 2022, 79 in 2023 and 80 in 2024. In this regard, the Committee notes that the CUT, the CTC and the CGT indicate in their joint observations that these figures do not include other forms of trafficking in persons which also involve forced labour, but which are classified differently, resulting in the under-reporting of these crimes. ***The Committee requests the Government to continue adopting measures for the appropriate identification and investigation of situations of trafficking in persons for both sexual and labour exploitation so that judicial action can be initiated against those presumed to be guilty. In this regard, it requests the Government to provide information on the number of investigations and prosecutions that are under way or have been finalized in relation to cases of trafficking in persons, and on the number of cases in which those responsible were convicted and the type of criminal penalties imposed.***

Article 2(2)(a). Purely military character of work undertaken in the context of compulsory military service. In its previous comments, the Committee emphasized that the conception of compulsory military service in Colombia, regulated by Act No. 1861 of 2017, is broader than the exception envisaged in *Article 2(2)(a)* of the Convention, as conscripts may undertake various types of activities as part of their service that are not of a purely military character and are therefore not covered by the exception envisaged in the Convention. The Committee recalls that compulsory military service in Colombia is of 18 months in duration or 12 months for graduates of secondary education and consists of four stages (basic military training, training in productive work, application in practice and experience of the basic military training, and periods of rest). It may be carried out as a soldier or as an auxiliary of the police or the prison officers service of the National Penitentiary and Prison Institute (INPEC). Under section 16 of Act No. 1861 of 2017, at least 10 per cent of conscripts in each intake are engaged in "environmental" service, that is support activities for the protection of the environment and natural resources.

The Committee notes the Government's indication in its report that between 2021 and 2024 there were a total of 132,259 conscripts engaged in compulsory military service, with a total of 7,245 conscripts who performed their military service in the INPEC; 1,594 conscripts who performed environmental service and a total of 67,788 police auxiliaries, of whom 10 per cent performed environmental service in parallel or in addition to the work covered by that service.

With regard to training in productive work, the Government indicates that the National Apprenticeship Service (SENA) concluded Agreement No. 001-2023 with the Ministry of National Defence and the national police with a view to strengthening skills. In this regard, the Committee notes the list of personnel provided by the Government, which includes the persons registered with the various

training programmes in the SENA in 2021–24. The Committee also notes that conscripts who carried out their military service during the period 2012–24 in the national police did not participate in training programmes for productive work. The Government adds that there is an academic training programme of basic instruction for auxiliaries in the INPEC prison officers service, which is considered to be a basic vocational training course for reservists who wish to join the INPEC.

The Committee further notes that Act No. 2272 of 2022 created the social service for peace as an alternative to military service, and that it is regulated by Decree No. 1079 of 2024. The social service for peace is 12 months in duration and can be performed in various areas, such as digital numeracy, work with victims of conflict, support and implementation of the peace agreement, the promotion of public policies for peace and the protection of nature. The Public Service Administrative Department, in coordination with the Ministry of Equality and Equity, is responsible for implementing the processes of call-up, registration, selection and prioritization, entry, training, practice and completion of this social service.

The Committee notes that the CUT, the CTC and the CGT emphasize in their joint observations that both environmental service and the guard work undertaken for the INPEC are not purely military services and that, in the case of the INPEC, these duties can be carried out by specialized public officials. The unions consider that these types of work are not included in the exception envisaged in the Convention and suggest that the legislation should be amended so that work as prison guards and environmental service do not form part of compulsory military service in the strict sense.

The Committee, while understanding the social and environmental considerations underlying the diversification of the work performed within the context of the requirement to undertake compulsory military service, including social service for peace as an alternative to military service, recalls that the existence of a choice between the performance of purely military service and work that is not of a military character, does not in itself exclude the application of the Convention, as the choice between the different types of service is made within the context of the requirement to perform compulsory service, as set out in section 4 of Act No. 1861. In this regard, the Committee ***regrets*** to note that the Government did not take the opportunity offered by the adoption of Act No. 2384 of 2024 (amending some provisions of Act No. 1861) to adapt the legislation governing compulsory military service in light of the provisions of *Article 2(2)(a)* of the Convention.

The Committee once again emphasizes that the requirement to perform military service is not contrary to the Convention where conscripts exclusively undertake work or services of a purely military character. ***The Committee therefore urges the Government to take the necessary measures to revise the legislation governing compulsory military service in light of the provisions of Article 2(2)(a) of the Convention so as to ensure that the work carried out within the context of the requirement to perform military service is limited exclusively to activities or work of a purely military character. The Committee suggests that the Government, while taking measures to amend the legislation, should examine the possibility of taking urgent measures so that non-military duties, such as the work performed as INPEC auxiliaries, in the police, or environmental service or social service for peace, do not form part of the requirement to perform military service, although they are considered an alternative service.***

Ecuador

Forced Labour Convention, 1930 (No. 29) (ratification: 1954)

Previous comment

The Committee notes the observations of the Ecuadorian Confederation of Free Trade Unions (CEOSL), received on 10 September 2024, in which the CEOSL alleges a lack of inspection and monitoring in areas prone to forced labour, especially in the rural sector. ***The Committee requests the Government to provide its observations in this regard.***

Articles 1(1), 2(1) and 25 of the Convention. 1. *Trafficking in persons.* (i) *National plan of action.* With regard to the measures taken to implement the Plan of Action against trafficking in persons (2019–30), the Government reports that, through the coordination of the Interinstitutional Committee and the Ministry of Labour, a mechanism for detecting and referring cases of trafficking in persons for labour exploitation to labour inspectors has been created, which includes a guide on detecting victims, a procedural manual for detecting and referring cases of trafficking in persons and a set of instructions.

The Committee duly notes that the legislative and institutional framework to combat trafficking has been strengthened by the adoption of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Organic Act of 2023 and its implementing regulations (Decree No. 237 of 2024). The Act establishes that the implementation of public policies on trafficking in persons shall be the responsibility of the institutions forming the Interinstitutional Committee, which will be the highest coordinating body for the implementation, monitoring, follow-up and evaluation of the national policy. The Act also provides for the creation of a system for registering cases of trafficking in persons and the creation of at least three technical working groups by the Interinstitutional Committee (a technical working group on prevention and promotion of human rights, a technical working group on assistance and protection and a technical working group on investigation and prosecution), which must meet at least three times a year. The Committee also duly notes that the general regulations to the Act establish: (i) the obligation of the Interinstitutional Committee to prepare an annual report on compliance with the actions taken to implement the plans, programmes and projects; (ii) the obligation of the decentralized autonomous governments to implement plans, programmes and activities in coordination with the Interinstitutional Committee; and (iii) the development of an annual work plan to combat trafficking in persons under the auspices of the Interinstitutional Committee.

The Committee requests the Government to continue taking steps to effectively implement the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Organic Act of 2023, in particular the three working groups of the Interinstitutional Committee and the objectives of the Action Plan against trafficking in persons in Ecuador 2019–30. The Committee also requests the Government to provide information on: (i) the progress made and difficulties encountered; (ii) the follow-up, monitoring and evaluation of the national policy to combat trafficking in persons carried out by the Interinstitutional Committee; (iii) the registration of cases of trafficking in persons; and (iv) the way in which the decentralized autonomous governments coordinate their actions with the Interinstitutional Committee.

(ii) *Protection and assistance for victims.* The Committee notes that the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Basic Act of 2023 grants victims of trafficking the right to: (i) a period of reflection; (ii) full protection and specialized assistance (section 27); (iii) temporary accommodation, when needed, for as long as necessary, irrespective of when the criminal investigations started (section 42); and (iv) full reparation and restitution (section 33). The Committee also notes that Decree No. 237 of 2024 establishes the scope of the assistance and protection measures, stating that they must be adopted from the moment a potential victim is detected or suspected until the full restitution of his or her rights (section 84). The Committee also notes the Protocol for inter-institutional action for the care and full protection of victims of trafficking in persons, which aims to effectively provide care and full protection for victims of trafficking in persons, through the development of differentiated and specific procedures for adults, adolescents and minors.

The Committee notes that the Government has not provided information on the action taken by the Case coordination team for the protection of victims of trafficking in persons and smuggling of migrants or on the protection and assistance provided to victims. The Committee notes that, according to information available on the website of the Ministry of the Interior, between 2019 and 2022, more than 475 victims of trafficking were registered, 63 per cent of whom were women between the ages of 19 and 29; and between January 2023 and July 2024, 154 victims of trafficking were identified, 84 per cent of whom were female and 16 per cent of whom were male. Furthermore, the Committee notes

that, in its concluding observations of 2024, the United Nations Committee against Torture expressed its concern at the shortcomings in the identification of migrant persons who have been victims of trafficking, which hinders their proper referral to specialized services (CAT/C/ECU/CO/8).

The Committee therefore encourages the Government to continue to take measures to provide the care and protection provided for in the legislation to victims of trafficking in persons for both sexual and labour exploitation. The Committee also requests the Government to provide information on the action taken by the Case coordination team for the protection of victims of trafficking in persons and smuggling of migrants and the number of victims of trafficking who have benefited from assistance and protection measures, specifying the type of assistance provided.

(iii) *Prosecution and application of criminal penalties.* In response to the Committee's request concerning investigations launched and judicial proceedings initiated in relation to the offence of trafficking in persons, the Government reports that no court decisions concerning forced labour have been recorded. The Committee recalls that, under *Article 25* of the Convention, the exaction of forced labour must be subject to really adequate and strictly enforced criminal penalties. ***Noting that according to the Ministry of the Interior, more than 475 victims of trafficking in persons were registered between 2019 and 2022, the Committee requests the Government to redouble its efforts to strengthen the capacity of the authorities responsible for identifying and investigating situations of trafficking in persons for both sexual exploitation and labour exploitation, as well as to prosecute the perpetrators. The Committee once again requests the Government to provide information on the number of ongoing and concluded investigations and prosecutions in relation to cases of trafficking in persons (section 91 of the Basic Criminal Code of Ecuador) and the nature of the convictions handed down in relation to the offence.***

2. *Forced labour practices in the agricultural sector.* The Committee notes the Human Rights Verification Report and the final report of the Ombuds' Office on the case of an abaca company (Furukawa case), according to which the living and working conditions verified in 17 camps in the provinces of Santo Domingo de los Tsáchilas and Los Ríos have given rise to situations of "serfdom", in families that are mostly Afro-Ecuadorian, affecting more than 200 people. The Ombuds' Office issued recommendations to various state institutions in order for them to take specific actions, within their remit, to prevent this situation and punish the perpetrators. In this regard, the Committee notes that according to information on the website of the Attorney-General's Office, following the report of the Ombuds' Office, the relevant investigations were initiated, as were criminal proceedings for trafficking in persons for labour exploitation, which are ongoing.

Furthermore, the Committee notes that in their observations of 2023 on the application of the Violence and Harassment Convention, 2019 (No. 190), Public Services International (PSI), the United Front of Workers (FUT) and the Federation of Petroleum Workers of Ecuador (FETRAPEC) referred to this case, highlighting the lack of capacity of government institutions, as well as the lack of measures to prevent and eradicate forced labour. In response, the Government indicated that, by Memorandum No. MDT-ST-2024-0417-M of 23 April 2023, it had arranged for full on-site inspections to verify compliance with labour obligations.

The Committee also notes the Report of the United Nations Special Rapporteur on extreme poverty and human rights of 2 April 2024, according to which there are cases of slavery-like conditions and bondage in the agricultural sector on abaca, sugar cane, maize, bean, avocado and fruit plantations, and haciendas (A/HRC/56/61/Add.2).

The Committee requests the Government to provide information on the progress of the ongoing criminal proceedings in relation to the case of the abaca company, indicating the penalties imposed, as well as the remedies granted to victims, and on the findings of the full inspections carried out in the plantations. Furthermore, the Committee urges the Government to take the necessary measures to strengthen the capacity of the labour inspectorate in the agricultural sector and, in particular, in areas

where there are signs of exploitative labour practices that may constitute forced labour. In this regard, the Committee requests the Government to provide information on the training provided, the inspections carried out, the number of violations detected and the penalties imposed, as well as on the coordination with the prosecution service in the event that practices that could constitute forced labour are detected.

Ethiopia

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1999)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for the expression of political or ideological views. For a number of years, the Committee has been referring to the following sections of the Criminal Code, under which penal sanctions involving compulsory prison labour may be imposed by virtue of section 111(1) of the Code, in circumstances covered by *Article 1(a)* of the Convention:

- sections 482(2) and 484(2): punishment of ringleaders, organizers or commanders of forbidden societies, meetings and assemblies;
- section 486(a): inciting the public through false rumours; and
- section 487(a): making, uttering, distributing or crying out seditious or threatening remarks or displaying images of a seditious or threatening nature in any public place or meeting (seditious demonstrations).

The Committee also referred to the broad definition of terrorism and the reference to "encouragement of terrorism" under section 6 of Anti-Terrorism Proclamation No. 652/2009, according to which any person who "publishes or causes the publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement, or other inducement to them, to the commission or preparation or instigation of an act of terrorism is punishable with rigorous imprisonment from ten to 20 years". The Committee noted with deep concern reports on the broad application of the above provisions and on the detentions of, and prosecutions against, members of the opposition parties and human rights defenders. It therefore requested the Government to amend the above-mentioned provisions so as to ensure that, in accordance with *Article 1(a)* of the Convention, persons who express political views or views ideologically opposed to the established political, social or economic system, cannot be sanctioned to imprisonment involving compulsory labour on the basis of these provisions.

The Committee notes that the Government merely reiterates in its report that the peaceful expression of views or opposition to the established political, social or economic system is a constitutionally respected right and nobody is subjected to forced or compulsory labour as a result of this. The Committee notes that the Government does not provide information on the review of the above-mentioned provisions of the Criminal Code nor on their application in practice.

The Committee nevertheless observes from the Compilation Report of the Office of the United Nations (UN) High Commissioner for Human Rights, of March 2019, that in 2018, the Government of Ethiopia lifted the state of emergency decree and released a number of political detainees, bloggers and other individuals who had been detained following their participation in protests in recent years (A/HRC/WG.6/33/ETH/2, paragraph 33). The Committee also notes from the Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression of April 2020, that since 2018 the Government of Ethiopia has taken significant steps to identify and reform laws that were historically used to restrict freedom of expression. In this regard, the Committee notes that Anti-Terrorism Proclamation No. 652 of 2009 was repealed and replaced by the Proclamation for the Prevention and Suppression of Terrorism Crimes No. 1178 of 2020. The Committee observes that the preamble to this Act recognizes the need to replace the Anti-Terrorism Proclamation of 2009, which had substantive and enforcement loopholes that had a negative effect on the rights and freedoms of citizens, with a law that adequately protects the rights and freedoms of individuals. The Committee welcomes the fact that new Proclamation No. 1176 of 2020

addresses some of its previous outstanding comments, for example by removing the reference to encouragement of terrorism under section 6 of the Anti-Terrorism Proclamation No. 652/2009. Moreover, new Proclamation No. 1176 of 2020 under section 4 provides for an exception to terrorist acts, by stating that "notwithstanding the provisions of section 3(1)(e) (on terrorist acts that seriously obstruct public or social service), obstruction of public service caused by a strike and the obstruction related to the institution or profession of the strikers or exercising rights recognized by law such as demonstration, assembly and similar rights shall not be deemed to be a terrorist act". The Committee also takes due note of the adoption of Media Proclamation No. 1238/2021, which establishes that acts of defamation committed through the media shall result in civil liability and not criminal liability.

The Committee requests the Government to continue to take the necessary measures to ensure that both in law and practice no penalties involving compulsory labour can be imposed on persons for the peaceful expression of political views or views opposed to the established political, social or economic system. It therefore requests the Government to review the provisions of sections 482(2), 484(2), 486(a) and 487(a) of the Criminal Code to ensure compliance with the Convention by limiting the application of criminal sanctions to situations connected with the use of violence or incitement to violence. It requests the Government to provide information on any progress made in this regard, as well as information on the application in practice of the above-mentioned sections of the Criminal Code, including copies of any court decisions, specifying the penalties imposed and describing the facts that led to the convictions.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Guinea

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1961)

Previous comment

The Committee notes the discussion held in the Committee on the Application of Standards (Conference Committee) at the 112th Session of the International Labour Conference (June 2024) concerning the application by Guinea of the Convention, as well as the Government's report.

The Committee also notes the observations of the International Organisation of Employers (IOE), received on 30 August 2024, which reiterate the comments made during the discussion of the Conference Committee, and express the hope that progress will be made in the application of the Convention, in accordance with the conclusions of the Conference Committee. The Committee lastly notes the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024, which call on the Guinean Government to take all necessary measures to give effect to the comments of the Committee and the conclusions of the Conference Committee, and invite it to avail itself of ILO technical assistance.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

Article 1(a) of the Convention. Imposition of prison sentences involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. Just as the Committee has done in its previous comment, the Conference Committee requested the Government to take effective and time-bound measures, in consultation with representative employers' and workers' organizations, to ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations. It also requested the Government to revise the relevant provisions of the Criminal Code and the Act of 23 December 1991 establishing a charter of political parties (Organic Act No. 91/02/CTRN) with a view to limiting their scope of application,

in order to meet the requirements of *Article 1(a)* of the Convention. The Committee recalls in this regard the provisions referred to:

- defamation and insult (sections 363 to 366 of the Criminal Code);
- organizing or participating in an undeclared or unauthorized demonstration or meeting on a public thoroughfare (sections 629, 630(1) and (2), 632(1), 634, 636(1) and (2) and 637 of the Criminal Code);
- insulting behaviour towards the Head of State and other related offences (sections 658 to 660, 662 to 665 and 739(1) of the Criminal Code);
- the act of founding, directing or administering a political party in violation of the law (sections 30 and 31 of the Charter of Political Parties).

The Committee also noted that by decision of 13 May 2022, the transitional Government prohibited any demonstration on public thoroughfares.

In this regard, the Committee notes the Government's indication, in its report, that the process of adoption of a new Constitution is under way and will result in the revision of the Charter of Political Parties, and will ensure that the provisions of *Article 1(a)* of the Convention be taken into account. The Government also reiterates the information communicated to the Conference Committee that the provisions of the Criminal Code do not provide for prison sentences involving compulsory labour and that sentences handed down for violations of the above provisions are either prison sentences or fines not involving compulsory labour.

The Committee notes this statement with ***regret*** insofar as it observes that section 112 of Decree No. 2016/309/PRG/SGG, establishing the prison regulations, maintains compulsory labour for convicts, which was previously upheld in Decree No. 247/72/PREG of 20 September 1972 concerning the establishment and structure of the prison administration and Decree No. 624/PRG/81 of 13 November 1981 supplementing Decree No. 247/72/PREG. This section clearly provides that "convicts are assigned work". The Committee recalls that compulsory prison labour, even when used as a means of reintegration, as set out in section 112, has an impact on the observance of the Convention when it is imposed in one of the situations listed in *Article 1* of the Convention.

With regard to the information requested by the Conference Committee concerning the penalties applied in practice under the above provisions, the prohibition against demonstrations on public thoroughfares and on the rulings handed down against Sékou Jamal Pendessa, Secretary-General of the Guinean Press Professionals' Union (SPPG), the Committee notes the Government's indication that the case is currently before the Supreme Court, following an appeal filed against the ruling of the Conakry Appeals Court of 28 February 2024. The Government states that no action may be taken while the verdict is still pending with the Supreme Court. The Government also indicates that no prison sentence involving compulsory labour has been imposed on any person in Guinea and that efforts will be made to transmit statistical information on the court decisions issued under these provisions.

The Committee recalls that during the discussion in the Conference Committee, several speakers, including the Worker members and the Employer members, denounced the repressive measures taken by the Government against civil liberties, including freedom of association and demonstration. The Committee notes that in its observations, the ITUC indicates that, against a backdrop of highly restricted civil liberties, with attacks against freedom of the press, there are concerns that these provisions are being implemented with the aim of silencing the opposition and the trade unions. The Committee also notes that United Nations reports refer to restrictions to civic and political space, and to arrests of human rights defenders. For example, in a press release on 10 October 2024 of the United Nations Office of the High Commissioner for Human Rights (OHCHR), United Nations human rights experts raised the alarm concerning the arbitrary arrest and secret detention of two human rights defenders (see also document S/2024/51, Report of the Secretary-General on activities of the United Nations Office for West Africa and the Sahel (UNOWAS)).

The Committee expresses its ***concern*** at the absence of progress both at the legislative level and in practice towards the implementation of the recommendations made by the Conference Committee. ***The Committee therefore urges the Government to take the necessary measures to ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations. The Committee once again hopes that, within the framework of the reform undertaken by the Government, the above provisions of the Criminal Code and of the Act of 23 December 1991 establishing a charter of political parties will be reviewed taking account of the requirements of the Convention, either by clearly restricting the scope of these provisions to situations connected with the use of violence or incitement to violence, or by repealing penalties involving compulsory labour.***

The Committee once again requests the Government to provide information on any convictions handed down under the above-mentioned provisions, and on the acts giving rise to the convictions.

The Committee is raising other matters in a request addressed directly to the Government.

Iraq

Forced Labour Convention, 1930 (No. 29) (ratification: 1962)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. The Committee previously referred to the need to address the significant level of sale and trafficking of persons, particularly women and girls for both sexual and labour exploitation in the country, by the Islamic State of Iraq and the Levant (ISIL) during the armed conflict. The Committee notes that despite the end of the ISIL conflict, Iraq remains a source and destination for sex trafficking and forced labour, affecting women, children and men (press release of the United Nations Office on Drugs and Crime (UNODC) Regional Office for the Middle East and North Africa (ROMENA) of 2020). According to the 2024 Iraq Crisis Response Plan by the International Organization for Migration, the humanitarian situation in Iraq continues to be characterized by general instability and protracted internal displacement, with over more than 1.14 million people still displaced as of August 2023. Internally displaced persons, especially the 600,480 in high-severity conditions, face significant protection risks, including exploitation and trafficking.

The Committee notes the Government's information, in its report, that pursuant to Anti-Trafficking Law No. 28 of 2012, a Central Committee on Combating Human Trafficking and Relevant Authorities (CCCHT) has been established to follow up on cases involving human trafficking. CCCHT officials will be empowered to conduct investigations and refer victims to safe homes for support. The Committee also notes the Government's information on the measures taken to prevent trafficking and protect victims, such as the identification of victims through the establishment of proactive measures and referral to safe homes; the setting up of a free 24-hour hotline for the notification of cases; and the establishment of a statistical database on registered cases, arrests, convictions and number of victims.

The Committee further notes that, according to press releases from the UNODC Regional Office for the Middle East and North Africa (ROMENA), of March and July 2023, the Government is taking measures in collaboration with the UNODC, under the Global Action against Trafficking in Persons and the Smuggling of Migrants project (GLO. ACT), such as a coaching session in March 2023 for police and judicial investigators (13 men and 2 women) on investigative techniques related to human trafficking; meetings were held in March and July 2023, composed of representatives of both Federal Iraq and the Kurdistan Region, which aimed at developing standard operating procedures for law enforcement authorities, including those of the Kurdistan Region. The standard operating procedures consist of eight chapters, including the international legislative framework, national legislative framework,

identification of traffickers and victims of trafficking, investigation, victim protection and assistance, case management, and review mechanisms.

The Committee observes that the Government has not provided information on the number of cases of trafficking identified, prosecutions or sanctions imposed, and the protection afforded to victims of trafficking.

The Committee requests the Government to continue its efforts to prevent and combat trafficking in persons for both labour and sexual exploitation. In this regard, it requests the Government to provide information on: (i) the measures taken for the adoption of a national plan of action on combating trafficking in persons to ensure coordinated action encompassing prevention, protection and prosecution, as well as the measures taken by the Central Committee on Combating Human Trafficking and Relevant Authorities (CCCHT) in this regard; (ii) the investigations and prosecutions carried out by law enforcement bodies and the difficulties encountered in this area, as well as the specific penalties applied under Anti-Trafficking Law No. 28 of 2012; (iii) the number of victims identified and the type of assistance provided to them; and (iv) the progress made in the adoption and implementation of the standard operating procedures.

Kenya

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1964)

Previous comment

Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. Penal Code and the Public Order Act. For many years, the Committee has been requesting the Government to amend certain provisions of the Penal Code and the Public Order Act, by clearly restricting the scope of these provisions to situations connected with the use of violence or incitement to violence, or by repealing sanctions involving compulsory labour. The Committee referred to the following provisions, the violation of which is punishable by imprisonment that involves compulsory labour according to Rule 86 of the Prison Rules:

- section 53 of the Penal Code, under which printing, publishing, distributing, offering for sale, etc. of any prohibited publication is punishable with imprisonment; according to section 52 any publication can be declared a prohibited publication if it is necessary in the interests of public order, public morality or public health;
- section 5 of the Public Order Act (Cap. 56), under which the police are entitled to control and direct the conduct of public gatherings and has extensive powers to stop or prevent the holding of public gatherings, meetings and processions (section 5(8)–(10)), contraventions being punishable with imprisonment (sections 5(11) and (17)).

The Committee notes the Government's statement in its report that it is committed to ensuring the compatibility of sections 52 and 53 of the Penal Code as well as sections 5(8) to (10), (11) and (17) of the Public Order Act with the Convention and is therefore actively considering amending these provisions. The Government states that the amendments to the above-mentioned provisions shall ensure that the penalties involving compulsory labour will be strictly applicable to instances of violence or incitement to violence and that alternative sanctions, such as fines and other non-custodial measures, shall be introduced for non-violent actions related to the expression of views or participation in public gatherings.

The Committee also notes that, in its 2021 concluding observations, the United Nations Human Rights Committee expressed concern about reports that the requirements in the Public Order Act to notify the police of all assemblies are being used in practice to deny authorization for peaceful

assemblies as well as reports of arbitrary detention and arrest of human rights defenders for exercising their right to peaceful assembly (CCPR/C/KEN/CO/4).

The Committee takes due note of the Government's commitment to review its legislation and expresses the firm hope that it will take the necessary measures, without delay, to ensure that sections 52 and 53 of the Penal Code and sections 5(8) to (10), (11) and (17) of the Public Order Act, are reviewed in such a way as to ensure conformity with the Convention by either limiting their scope to acts of violence or incitement to violence or by replacing sanctions involving compulsory labour with other kinds of sanctions, such as fines. It requests the Government to provide information on any progress made in this regard. The Committee also requests the Government to provide information on any convictions handed down under the above-mentioned provisions of the Penal Code and the Public Order Act, indicating the sanctions applied and the facts that led to the convictions.

The Committee is raising other matters in a request addressed directly to the Government.

Libya

Forced Labour Convention, 1930 (No. 29) (ratification: 1961)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons, and arbitrary detention leading to the forced labour of migrants. Following its previous comments, the Committee notes the Government's information, in its report, that the draft Law on combating human trafficking has been prepared. The Committee observes with ***regret***, however, that the Government provides no information on any measures taken to protect migrant workers from forced labour, including trafficking in persons.

The Committee notes that the United Nations Independent Fact-Finding Mission on Libya, in its final report of 3 March 2023, expressed deep concern over the country's deteriorating human rights situation and found reasonable grounds to believe that, since 2016, migrants across Libya are victims of enslavement and sexual violence committed in connection with their arbitrary detention, including in cases of alleged trafficking and deprivation of liberty for ransom in connection with smuggling and trafficking. The Fact-Finding Mission found reasonable grounds to believe that migrants were enslaved in detention centres of the Directorate for Combating Illegal Migration – the official body under the Ministry of the Interior responsible for migrant detention centres across Libya – in Abu Salim, Zawiyah and Mabani, as well as in places of detention in al-Shwarif, Bani Walid, Sabratah, Zuwarah and Sabha, and that sexual slavery was committed in the trafficking hubs of Sabratah and Bani Walid. The report of the Fact-Finding Mission further reveals that the ongoing, systematic and widespread character of the documented crimes strongly suggests that personnel and officials of state institutions – more particularly the Directorate for Combating Illegal Migration, the Libyan Coast Guard and the Stability Support Apparatus (established in January 2021 by the Presidential Council and made up of an alliance of armed groups) – are not only implicated at all levels, but have colluded with traffickers and smugglers, who are reportedly connected to militia groups, in the context of the interception and deprivation of liberty of migrants. Among other things, trafficking, enslavement, forced labour and imprisonment have generated significant revenue for individuals, groups and state institutions (A/HRC/52/83).

Moreover, according to the May 2023 Report of the United Nations Special Rapporteur on violence against women and girls, its causes and consequences, the climate of impunity for rape and other sexual violence against migrant and refugee women and girls, coupled with the lack of female guards or safeguards, including regular independent unannounced monitoring or compliance mechanisms, create an environment in which women and girls in detention are vulnerable to sexual violence and exploitation. They have no recourse to justice or redress and are subjected to systematic and large-scale violations of their fundamental human rights at the hands of armed groups, smugglers and traffickers, individuals and institutions affiliated with the State and within the community. Such violations include

abduction for ransom, sexual exploitation, forced prostitution, trafficking in persons, forced labour and exploitation. Impunity for these acts continues to be rampant (A/HRC/53/36/Add.2).

Similarly, according to the report of the Secretary-General of 8 August 2024 on the United Nations Support Mission in Libya (UNSMIL), human rights violations against migrants and refugees, in particular those in detention, continued to occur, UNSMIL having received reports of migrants and asylum-seekers being arbitrarily arrested and detained in abhorrent conditions in Bi'r al-Ghanam, with guards engaging in persistent patterns of abuse, exploitation, forced labour, extortion, torture and other forms of ill-treatment, and of serious human rights abuses against migrants and refugees arbitrarily detained in a facility used for human trafficking near Sabha. The Secretary-General urged the Libyan authorities to adopt a comprehensive legal and policy framework on migration that prioritizes the human rights, dignity and well-being of migrants, refugees and asylum seekers, and addresses the issues of decriminalization of irregular entry, exit and stay, non-custodial measures as alternatives to detention and increased protection from arbitrary detention, forced labour, slavery and trafficking in persons (S/2024/598).

The Committee ***deplores*** the situation of migrants who are intercepted, arbitrarily detained and subjected to forced labour practices, including trafficking and sexual slavery, which continues to be of serious concern. Furthermore, the Committee is ***deeply concerned*** about the reports of complicity by the Libyan authorities. It considers that this constitutes a gross violation of the Convention, since the victims are forced to perform work for which they have not offered themselves voluntarily, under extremely harsh conditions, combined with ill-treatment which may include torture and death, as well as sexual exploitation.

While the Committee notes the complex institutional, political and security situation prevailing in the country, it urges the Government to take urgent and systematic action, commensurate in scope to the gravity of the problem, to combat and end the arbitrary detention and exploitation of migrants and prevent them from being subjected to forced labour, trafficking in persons and sexual exploitation. It further requests the Government to take immediate measures for the protection and assistance of victims, including through voluntary repatriation and reintegration.

Recalling that Article 25 of the Convention provides that the imposition of forced labour shall be punishable by penalties that are strictly enforced, the Committee requests the Government to take the necessary measures to ensure that in-depth investigations are undertaken, alleged perpetrators are prosecuted, including complicit state officials and members of armed groups, and sufficiently dissuasive sanctions imposed on those who exact any form of forced labour. It requests the Government to provide information on the progress made in this regard and the results achieved.

Lastly, the Committee requests the Government to provide information on the measures taken to combat trafficking in persons and protect the victims. It urges the Government to ensure that the Bill on combating trafficking in persons is adopted shortly and requests the Government to provide a copy.

In light of the situation described above, the Committee deplores the grave and systematic human rights violations against migrants and refugees in Libya, who are arbitrarily detained in centres managed by both official and unofficial entities and where they are subjected to enslavement, forced labour and sexual slavery, with near-total impunity for the perpetrators. The Committee also expresses deep concern about the reports of complicity and active collusion by Libyan authorities with traffickers and militia groups, who are exploiting and profiting from these abuses. The Committee therefore considers that this case meets the criteria set out in paragraph 90 of its General Report to be asked to come before the Conference.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to supply full particulars to the Conference at its 113th Session and to reply in full to the present comments in 2025.]

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1961)

Previous comment

Article 1(a) of the Convention. Sanctions involving compulsory labour as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. The Publications Act No. 76, 1972 and the Penal Code. The Committee recalls that it has been referring for a number of years to various provisions of the Publications Act No. 76, 1972, under which persons who express certain political views or views ideologically opposed to the established political, social or economic system may be punished with penalties of imprisonment. These provisions – sections 28, 29, 37, 38 and 43 – concern restrictions on publication, printing and dissemination of information and provide for the imposition of penalties of imprisonment involving the obligation to work by virtue of sections 20, 21, 23 and 24(1) of the Penal Code. According to these provisions of the Penal Code, sentences of life imprisonment or imprisonment are defined as the confinement of a person in a place designated for the purpose and the infliction of compulsory labour, in accordance with the Prison Regulations. In cases of sentences of detention for a period of one year or more, the judge may order that the detention be with compulsory work.

Moreover, the Committee takes note of the following provisions of the Penal Code under which certain acts are punishable with imprisonment or life imprisonment, involving compulsory labour:

- section 175 providing for life imprisonment for anyone who intentionally circulates news, information or rumours that are false, biased or provocative propaganda in times of war and are such as to cause harm to the military preparations for defence of the country, [sow terror among the people] or to undermine the resilience of the nation;
- section 178 providing for life imprisonment for any Libyan abroad who disseminates or reports rumours or information which are false, exaggerated, or provoke concern about the internal condition of the Libyan Arab Republic;
- section 195, amended by Law No. 5 of 2014, making punishable by imprisonment "making any statements that insult the 17 February Revolution";
- section 205 providing that anyone who publicly insults the Libyan nation, its national flag or State emblem, is liable to imprisonment;
- sections 206 and 207 providing that certain acts pertaining to unlawful organizations and formations and the promotion of any act against the system of the State are liable to penalties of death or life imprisonment;
- sections 220 and 221, providing that anyone who offends or insults the Government, the legislature, foreign Heads of State or accredited diplomatic representatives, is liable to imprisonment;
- sections 245 and 290, according to which anyone who insults a public official, judicial officer or judicial or administrative body or attacks, by any means of publicity, any religious faith, is liable to detention.

The Committee notes the Government's reiteration, in its report, that it will take the necessary measures to: (1) bring the Publications Act No. 76, 1972, into conformity with the Convention; and (2) take the Committee's comments into consideration to ensure that no penalty of imprisonment involving compulsory labour is imposed on persons who express political views or opinions opposed to the political system without resorting to violence.

The Committee notes that, according to the final report of the United Nations Fact-Finding Mission (FFM) on Libya of 3 March 2023, investigations underscored that Libyan authorities, notably the Internal Security Agency (a civil institution of the Libyan State with country-wide jurisdiction), are curtailing the rights to assembly, association, expression and belief to ensure obedience, entrench self-serving values and norms, and punish criticism against authorities and their leadership. Persons were detained for

their criticism of the State and affiliated actors, and expression of divergent political, religious and social views and norms, including their opposition to patriarchy and sexism (A/HRC/52/83).

The Committee reiterates its ***deep concern*** at the current human rights situation in the country and recalls that restrictions on fundamental rights and liberties, including freedom of expression, have a bearing on the application of the Convention, if such measures are enforced by sanctions involving compulsory labour, as is the case in Libya when persons are convicted to a penalty of imprisonment or detention.

The Committee once again urges the Government to take the necessary measures to ensure that no prison sentences involving compulsory labour are imposed on persons who, without having recourse to violence, express political opinions or views opposed to the established political, social or economic system. The Committee hopes that, as reiterated by the Government in its report, it will take the necessary measures to bring the provisions of Publications Act No. 76 of 1972 into conformity with the Convention. Moreover, it requests the Government to provide specific information on the application in practice of the above-mentioned provisions of the Penal Code, including the number of cases prosecuted, convictions brought, the facts that led to these convictions, and penalties applied.

Anti-Cybercrime Law, 2022. The Committee notes that certain provisions of the Anti-Cybercrime Law of 2022 criminalize behaviours with a prison sentence, which involves compulsory labour. These include section 37 concerning the use of the internet or any other electronic means to propagate or publish information or data threatening public security or peace, in either the State of Libya or any other State. Sections 9 and 39 subject the use, as well as the production, manufacturing, distribution, and so forth, of encryption technologies or tools, to the consent of the National Information and Security and Safety Authority (NISSA) – an administrative and technical governmental authority – which is otherwise punishable with imprisonment. Under sections 4 and 7 of the Law, the use of the internet and "new technologies" is only legitimate and lawful as long as "public order and morality" are respected, and NISSA is permitted to monitor all content published on the internet and any other technical platform and block websites if they are deemed to provoke "racial or regional slurs and extremist religious or denominational ideologies that undermine the security and stability of society".

The Committee notes that, in their communication of 31 March 2022, several United Nations experts expressed concern that the vague and broad nature of a number of the provisions of the Anti-Cybercrime Law would lead to their discriminate application against journalists, human rights defenders, activists and civil society actors who express dissenting views or publish, share or comment on information about the Government, its policies or actions, with such criticism being liable to interpretation as threatening to "public security or peace" or "public order or morality" (OL LBY 3/2022).

In this regard, the Committee notes, according to a press release of 25 March 2022 on the website of the United Nations Office of the High Commissioner for Human Rights, the concern expressed by the Spokesperson for the United Nations High Commissioner for Human Rights regarding the deepening crackdown on civil society in Libya, where arbitrary arrests and a campaign of vilification are having a chilling effect on human rights defenders, humanitarian workers and other civil society actors. Seven men, aged between 19 and 29, were arbitrarily arrested and detained by the Internal Security Agency in 2021 and 2022, for using social media to propagate atheism and contempt for religion. According to the FFM report, four of these men were sentenced to three-year imprisonment "with hard labour" and fined by a domestic court in Tripoli (A/HRC/52/83).

The Committee notes this information with ***concern***, as these restrictions on the right to freedom of expression may be penalized through sanctions of imprisonment involving compulsory labour. ***Therefore***, ***the Committee urges the Government to take immediate measures, both in law and practice, to put an end to any violation of the Convention, by ensuring that no one who expresses political opinions, including dissenting opinions, or any views through the internet or any other technological tool, can be sentenced to imprisonment, under the terms of which compulsory labour is***

imposed. In this regard, the Committee expresses the hope that the Government will take measures to ensure that the provisions of the Anti-Cybercrime Law are amended in a way that will restrict their scope and prevent any interpretation in its application that could lead to the imposition of a penalty involving compulsory work on persons who express political views or views ideologically opposed to the established political, social or economic system.

The Committee is raising other matters in a request addressed directly to the Government.

Mozambique

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1977)

Previous comment

Article 1(a) and (b) of the Convention. Compulsory labour for persons identified as "unproductive" or "anti-social". For many years, the Committee has been drawing the Government's attention to the need to repeal the Ministerial Directive of 15 June 1985 on the evacuation of towns, under which persons identified as "unproductive" or "anti-social" may be arrested and sent to re-education centres or assigned to productive sectors. The Committee notes with ***regret*** the absence of information from the Government concerning any measures adopted in this regard, in particular since the Government previously indicated that this directive was obsolete and that the re-education centres have been closed. ***The Committee urges the Government to take the necessary measures to formally repeal the Ministerial Directive of 15 June 1985 on the evacuation of towns, so as to bring the legislation into conformity with the Convention.***

Article 1(b) and (c). Imposition of sentences of imprisonment involving an obligation to work for the purposes of economic development and as a means of labour discipline. For many years, the Committee has been emphasizing the need to amend or repeal certain provisions of Act No. 5/82 of 9 June 1982 concerning the defence of the economy, amended by Act No. 9/87, which provide for the punishment of types of conduct which, directly or indirectly, jeopardize economic development, prevent the implementation of the national plan and are detrimental to the material or spiritual well-being of the population. Sections 10, 12, 13 and 14 of the Act prescribe prison sentences, which may involve compulsory labour, for repeated cases of failure to fulfil the economic obligations set forth in instructions, directives, procedures and so forth, governing the preparation or implementation of the national plan of the State. Section 7 of the Act provides for penalties for unintentional conduct (such as negligence, the lack of a sense of responsibility and so forth) resulting in the infringement of managerial or disciplinary standards. The Committee notes with ***regret*** the absence of information from the Government on any measures to repeal the above provisions which allow for the indirect imposition of labour for the purposes of economic development and for penalties involving an obligation to work as a means of labour discipline. ***The Committee urges the Government to take the necessary measures to formally repeal the provisions of Act No. 5/82 concerning the defence of the economy, amended by Act No. 9/87, which are contrary to the Convention.***

Article 1(d). Penalties imposed for participation in strikes. The Committee notes the Government's indication, in its report, that despite the adoption of the new Labour Act (Act No. 13/2023 of 25 August 2023), no amendment has been made to the provisions of the previous Labour Act, now repealed (Act No. 23/2007) regarding the possibility of striking workers incurring criminal liability for failing to respect their obligation to ensure a minimum service (sections 206(1); 209(1); and 269(5) of Act No. 13/2023). The Committee recalls that no provision in the Criminal Code explicitly refers to penalties that may be faced by striking workers in cases where their criminal liability is incurred. The Committee notes in this regard the Government's indication that the penal sanctions are applicable to striking workers in situations where the strike is considered illegal, that is, when the strike is called and held outside the framework of the law: in the event of a prohibited strike, violation of the procedures for notification of

a strike, the use of violence against persons and the destruction of property, or non-respect of the minimum service putting human life and health at risk.

The Committee again draws the Government's attention in this regard that, in accordance with *Article 1(d)* of the Convention, persons who participate peacefully in a strike, and therefore in the simple exercise of an essential right, cannot be liable to penal sanctions, and that therefore sentences of imprisonment must in no case be imposed. Such sanctions may only be envisaged where, in the course of a strike, violence against persons or property, or other serious violations of criminal law have been committed, and these sanctions may only be imposed under the legislation reprimanding such acts, such as the Criminal Code. ***The Committee again requests the Government to take the necessary measures to ensure that workers who participate peacefully in a strike can in no case incur criminal liability resulting in a sanction involving compulsory labour. It requests the Government to provide information on penalties imposed on striking workers on the grounds of their criminal liability for participation in an illegal strike, specifying the circumstances and the legal provisions applied. The Committee also refers to its comments regarding the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).***

The Committee is raising other matters in a request addressed directly to the Government.

Myanmar

Forced Labour Convention, 1930 (No. 29) (ratification: 1955)

Previous comment

The Committee takes note of the observations of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Myanmar Seafarers Federation (MSF), sent with the report of the military authorities.

Follow-up to the recommendations of the Commission of Inquiry (complaint made under article 26 of the Constitution of the ILO)

The Committee recalls that it previously urged the military authorities to take steps to fully and effectively implement the recommendations made by the Commission of Inquiry, established by the Governing Body to examine the non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), in its August 2023 report. The Committee notes that the Governing Body discussed the follow-up to the recommendations of the Commission of Inquiry at its 350th, 351st and 352nd Sessions (March, June and November 2024). At its 352nd Session, the Governing Body noted with utmost concern the absence of any concrete action towards the implementation of the recommendations of the Commission of Inquiry and expressed once again its profound concern over the conclusions set out in the Commission's report concerning the exaction of forced labour by the military authorities and called for immediate action to be taken to put an end, in law and in practice, to any forced recruitment into the military contrary to the Forced Labour Convention, 1930 (No. 29), including the forced recruitment of children. The Governing Body also decided to place on the agenda of the 113th Session (2025) of the International Labour Conference an item concerning measures under article 33 of the Constitution to secure compliance by Myanmar with the recommendations of the Commission of Inquiry and requested the Director-General to submit to the Governing Body at its 353rd Session (March 2025) a draft resolution concerning the measures to be taken under article 33 of the ILO Constitution in light of its discussion.

The Committee notes with ***deep concern*** the above information which shows a complete lack of progress in implementing the 2023 recommendations of the Commission of Inquiry and a total denial by the military authorities of the gravity of the situation as regards the continued and widespread exaction of forced labour from the population in Myanmar.

Articles 1(1), 2(1) and 25 of the Convention. Elimination of all forms of forced labour. 1. *Legal framework*. The Committee has previously pointed to non-compliance of national legislation with the Convention on the following issues:

- Article 359 of the Constitution, allowing for the exaction of forced labour in the context of "duties assigned thereupon by the Union in accord with the law in the interests of the people".
- Section 374 of the Penal Code and section 27A of the Ward or Village Tract Administration Law, establishing penalties for the exaction of forced or compulsory labour. The Committee recalls that these penalties, i.e. imprisonment up to one year or a fine, cannot be considered really adequate considering the seriousness of the crime in question.

The Committee therefore reiterates the importance of bringing the above provisions into conformity with the Convention, once the democratic institutions are restored, in order to ensure that the Constitution does not allow for the exaction of forced or compulsory labour and that the penalties for the exaction of forced or compulsory labour are really adequate and commensurate with the seriousness of the crime.

2. *Systematic and widespread use of the population by the Myanmar military to perform a range of different types of work or service*. In their report, the military authorities contend that the information included in the Committee's previous comments relied on false news and unsubstantiated allegations with documents from social media which have not been thoroughly verified and were based on the information from opposing organizations and terrorist groups, not reflecting the actual situation in Myanmar. They also state that Tatmadaw personnel who have committed a crime, including forced labour, were identified through investigations by higher officials and complaints from the victims and their family members and that necessary investigations were conducted and actions taken based on the findings of these inspections.

The Committee notes, however, the information in the report on the follow-up to the report of the Commission of Inquiry, submitted to the 352nd Session of the Governing Body (follow-up report) according to which the Confederation of Trade Unions of Myanmar (CTUM) reported that the practice of forced labour, particularly sentry duty, the use of child labour and the use of human shields in conflict zones, remains ongoing in Myanmar. The follow-up report also refers to sources from the United Nations (UN) indicating that they have received recent reports of an escalation of forced labour practices involving Rohingya internally displaced persons, including coercion by an infantry battalion of individuals to provide labour for road construction and the taking of approximately 100 Rohingya per day to work, without wages or support, on a road leading through areas previously vacated by local residents under military order.

The Committee further notes that the most recent evidence collected by UN bodies continues to support reports of forced recruitment practices. In his October 2024 report, the Special Rapporteur on the situation of human rights in Myanmar, refers to the stoking of tensions between ethnic Rakhine and Rohingya communities by the junta, notably through the conscription of thousands of young Rohingya men and their deployment to the frontlines (A/79/550). Moreover, the Special Rapporteur indicates that, like the junta, the Arakan Army has been accused of forcibly recruiting Rohingya men and deploying them in combat against junta forces, while other Rohingya militant groups, having aligned with junta forces, have forcibly recruited Rohingya men and boys in refugee camps in Bangladesh for deployment to the conflict in Rakhine State.

The Committee ***deeply deplores*** the continued imposition of forced labour practices in Myanmar, in particular the continued use of persons, including Rohingya internally displaced persons, to perform work and services, as well as continued forced recruitment practices, by both the military and other armed groups. ***The Committee strongly urges the military authorities to take all necessary measures to immediately put an end to all of these forced labour practices, in particular the forced recruitment of persons by armed forces and armed groups in Myanmar.***

3. *Forced labour of prisoners*. The Committee notes the military authorities' statement, that the prison department does not force prisoners who have been sentenced to simple imprisonment to work, while those sentenced to rigorous imprisonment (section 53 of the Penal Code), work under conditions determined by the rules and procedures of the Prison Law. However, as noted in the follow-up report, while the military authorities claim that prison labour is monitored by the Myanmar National Human Rights Commission, no concrete information was provided regarding the recommendation of the Commission of Inquiry to cease the exaction of prison labour as a consequence of a criminal conviction imposed since 1 February 2021 through proceedings manifestly lacking independence, impartiality and due process guarantees.

The Committee observes that UN bodies also report unlawful imprisonment of perceived opponents of the military regime through arbitrary detention and manifestly unfair trials. Most recently the United Nations Office of the High Commissioner for Human Rights (OHCHR) on the situation of human rights in Myanmar, in its report of September 2024 (A/HRC/57/56) reveals that, within the reporting period, at least 1,648 individuals were convicted for opposing military power in Myanmar, where the lack of fair trial guarantees and the absence of independence and impartiality of the judiciary remained a serious concern (paragraph 24). Examples include the lack of instances of acquittals or successful appeals, frequent hearing postponements, defence counsel facing severe restrictions, chaotic proceedings and even, in some cases, the arrest, ill-treatment or torture of defence lawyers. The OHCHR received reports of political prisoners being subjected to forced or involuntary labour in prisons.

The Committee recalls that in order not to be considered as forced labour under the meaning of the Convention, compulsory prison labour can only be required from persons who have been found guilty of an offence and as a result of a due process of law. This implies respect for guarantees such as the presumption of innocence, equality before the law, regularity and impartiality of proceedings, independence and impartiality of courts, guarantees necessary for defence and a clear definition of the offence.

The Committee expresses its ***deep concern*** regarding the large number of persons convicted following legal procedures that manifestly lacked independence, impartiality, and due process of law, including those who oppose military power in Myanmar, and from whom compulsory labour is exacted in prison. In this regard, the Committee also refers to its comments under the Freedom of Association and Protection of the Right to Organize Convention, 1948 No. 87, regarding arrests, detention, threats and other restrictions on civil liberties. ***The Committee therefore once again strongly urges the military authorities to take all the necessary measures to immediately put an end to all forms of forced or compulsory labour identified above which constitute a grave violation of the Convention and to take all the necessary steps to fully and effectively implement the recommendations made by the Commission of Inquiry.***

4. *Forced labour imposed under mandatory conscription.* The Committee takes note of the information contained in the follow-up report regarding the activation by the State Administration Council (SAC) of the People's Military Service Law, 2010, in February 2024. The Law requires every citizen to undergo military training and serve in the armed forces. The Committee observes that the duration of military service will be between 24 and 36 months for men aged 18 to 35 and women aged 18 to 27 and that it can be extended up to five years in emergency situations. The Committee notes in this regard that on 31 July 2024, the state of emergency declared by the military authorities was extended until 31 January 2025. The Committee notes that the military authorities have not submitted the final version of the conscription rules, as a standard operating procedure (SOP) for the recruitment process.

In this respect, the Committee recalls that, under *Article 2(a)* of the Convention, compulsory labour required as a part of mandatory military service is excluded from the definition of forced labour only if it is confined to work of a purely military character. This limitation on the scope of work that may be imposed on conscripts is intended to prevent their deployment for general public works. Furthermore,

the conditions and duration of military service must be strictly confined to what is necessary to address the specific exigencies of preparing citizens for national defence of the country. The extension of the duration of the service to five years in emergency situations goes beyond the objective and scope of the exception.

In line with the above, the Committee strongly urges the military authorities to take the necessary measures to ensure that, both in law and practice, any work imposed on conscripts under compulsory military service is limited to military training or work of a purely military character and that the duration and conditions of such work respond specifically to the exigencies of the situation.

5. *Trafficking in persons.* The Committee takes note of the information provided by the military authorities regarding the measures taken to combat trafficking in persons, in particular, the Prevention and Suppression of Trafficking in Persons Law of 2022, the objectives of which include the comprehensive and effective prevention and suppression of trafficking in persons through identification and prosecution, and the rescue, repatriation, protection and rehabilitation of victims. The military authorities provide information regarding the various prevention and awareness-raising measures taken in application of this Law and the number of prosecutions and convictions in trafficking cases. For example, in 2023, nine cases of trafficking in persons were investigated, involving 18 victims, and resulting in the arrest and prosecution of 33 defendants and 11 convictions with sentences of imprisonment ranging from five to ten years.

The Committee further takes note of recent reports arising since early 2021 regarding online scam operations and their link to human trafficking in Southeast Asia, including Myanmar, and occurring in the context of wide-ranging digital criminal activity such as romance-investment scams, crypto fraud, money laundering and illegal gambling. According to a 2023 OHCHR report entitled "Online scam operations and trafficking into forced criminality in Southeast Asia: Recommendations for a Human Rights Response", organized crime actors have operated in Myanmar for years but the situation, especially related to trafficking into these scam operations, is reported to have worsened since the military coup in February 2021. According to the report, at least 120,000 people across Myanmar may be held in situations where they are forced to carry out online scams, with online scam centres operating in locations around the Thai border. The report further indicates that, for a variety of reasons, traffickers are easily able to fraudulently recruit people into criminal operations under the pretence of offering them real jobs. Many of those who have been able to leave a scam operation report that they were fraudulently recruited, deceived into believing that they were moving to legitimate jobs, and many are deprived of their liberty in compounds in which they are confined. Moreover, traffickers hold an ever-increasing debt over the migrants, who are told they have to pay before they can be freed, placing them in a situation of debt bondage.

The Committee expresses its ***concern*** over the situation of thousands of migrant workers who are lured to online scam centres under false pretences and find themselves trapped in conditions of forced labour, including debt bondage. ***The Committee urges the military authorities to take the necessary measures to ensure that cases of trafficking for labour exploitation, particularly in online scam centres, are effectively detected and investigated, and strengthen mechanisms to enable the initiation of effective prosecutions of suspected perpetrators, pursuant to the Prevention and Suppression of Trafficking in Persons Law of 2022. It requests the military authorities to provide information on any developments in this regard, including statistical data on cases identified, prosecutions, convictions and penalties applied, as well on the measures taken to provide victims with protection and assistance.***

The Committee ***deeply deplores*** the significant escalation of the conflict in Myanmar and the far-reaching humanitarian crisis in the country since the 2021 military takeover which has severely impacted livelihoods, employment opportunities and labour migration and, as a result, placed workers, migrants and displaced persons in a situation of increased vulnerability to forced labour, including trafficking. Considering the military authorities' continued denial of the severity of the situation and the absence of

democratic institutions as highlighted by the Commission of Inquiry, the Committee is ***deeply concerned*** by the plight of victims of forced labour who have no access to legitimate complaint and redress mechanisms that would allow them to be recognized as victims and assert their rights without fear of retaliation.

Given the urgency and the gravity of the situation, the Committee strongly urges the military authorities to take into account the Committee's requests detailed above and to implement without delay the recommendations of the Commission of Inquiry calling for the cessation or reversal of any measures or actions that violate the Convention, and to provide information on all the steps taken in this regard.

Oman

Forced Labour Convention, 1930 (No. 29) (ratification: 1998)

Previous comment

Articles 1(1) and 2(1) of the Convention. Legal framework to prevent migrant workers from being subjected to forced labour. The Committee recalls that Oman enforces a visa-sponsorship system under the Foreign Residence Act No. 16/95, as amended in 2020, which allows foreign workers to transfer their residency from one employer (sponsor) to another who is licensed to recruit workers. Transfers are permitted if there is proof that the worker's previous employment contract has ended or been terminated, and if the competent government agency approves the new contract with the second employer.

The Committee notes that a new Labour Law, promulgated by Royal Decree No. 53 of 2023, continues to allow all workers, including foreign nationals, to terminate indefinite employment contracts at any time with a legitimate reason and upon written notice (section 38). Section 41 outlines valid reasons for leaving without notice or before a fixed-term contract ends, such as employer fraud, non-payment of wages for over two months, physical assault by the employer, or serious workplace safety threats that the employer knew about but did not address. The Committee notes the Government's information, in its report, regarding the number of migrant workers who have changed employers and whose work permits have accordingly been transferred to a new employer: 63,113 (52,424 men and 10,689 women) in 2020; 94,002 (77,209 men and 16,793 women) in 2021; 129,169 (104,095 men and 25,074 women) in 2022; and 66,928 (55,075 men and 11,853 women) up to June 2023.

The Committee further notes sections 8 to 14 of the Labour Law, regulating the grievance and dispute resolution mechanisms. Section 9 requires that disputes over workers' rights first be submitted to the Ministry of Labour before going to court (in the case of an employer with more than 50 workers, a system of grievance must be put in place for complaints and grievances within the establishment (section 8)). If a settlement is not reached within 30 days, the Ministry must refer the dispute to the court within 7 days. All lawsuits related to the Labour Law, filed by workers or their beneficiaries, are exempt from judicial fees (section 13).

The Committee takes due note of these provisions and requests the Government to indicate the measures taken to increase awareness and understanding among migrant workers of their rights so that they can easily access dispute resolution mechanisms, lodge complaints and seek redress in the event of violations of their rights or of abuses. In this regard, the Committee requests the Government to provide information on the number of disputes settled by the Ministry of Labour, of cases before the complaints mechanisms and before the courts, as well as more specific information on violations reported, the follow-up given to the complaints, the sanctions imposed and the remedies obtained.

Specific situation of migrant domestic workers. The Committee notes that the new Labour Law does not apply to domestic workers, as section 2 excludes workers governed by special laws. Consequently, migrant domestic workers are still regulated by Ministerial Decree No. 189/2004, which outlines special

terms and conditions, and by the Standard Employment Contract of 2011. The Committee recalls that, under section 8 of Ministerial Decree No. 189/2004, either the employer or the domestic worker can terminate the employment contract with one month's notice. Additionally, the worker can end the contract in cases of abuse by the employer or his or her family. However, according to section 7(4), a migrant domestic worker can only work for another employer if the first employer (the "recruiter") agrees to release their sponsorship and completes the required procedures.

The Committee further notes that, although Ministerial Decree No. 189/2004 and the Standard Employment Contract include some regulations for domestic workers as regards the payment of wages, room and board, and medical care, other areas like working hours, rest days and annual vacation are not legally regulated. Additionally, the decree does not specify penalties or monitoring mechanisms to ensure its provisions are enforced but provides that disputes are handled by the department under the Ministry of Labour responsible for settling labour disputes, which must take all necessary measures to settle them amicably within two weeks. If no agreement is reached or if one party refuses to comply with a settlement, the above department must refer the case to the competent court within two weeks.

The Committee observes that, in its concluding observations of February 2024, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about: (1) the fact that the Labour Law does not apply to migrant domestic workers and that the Standard Employment Contract does not offer adequate protection from the exploitation of migrant domestic workers; (2) the absence of specific legislation that addresses the lack of labour inspection mechanisms, the deportation of an "absconding" worker, and the absence of sanctions applied to employers for withholding the passports of domestic workers, although there is legislation prohibiting these practices; and (3) the absence of effective complaints mechanisms with adequate enforcement measures against employers engaging in abusive practices and the lack of a monitoring system to conduct workplace inspections (CEDAW/C/OMN/CO/4).

The Committee observes with ***concern*** that the lack of a comprehensive legal framework covering all aspects of the labour relations of migrant domestic workers increases their risk of being victims of abusive practices and working conditions that may amount to the exaction of forced labour. In this regard, the Committee highlights the importance of taking effective action to ensure that the system of employment of migrant domestic workers does not place them in a situation of increased vulnerability, particularly when they are confronted with a lack of regulations on labour rights, as well as weak or absent enforcement and complaints mechanisms, and employment policies that result in, inter alia, difficulties in transferring employers, retention of passports, non-payment or underpayment of wages and deprivation of liberty.

The Committee requests the Government to take the necessary measures to provide migrant domestic workers with adequate legal protection, with a focus on preventing the risks of becoming victims of forced labour, including by extending protection to domestic workers concerning the employment relationship, monitoring their conditions of employment and facilitating access to the complaints mechanisms in the country. In addition, the Committee requests the Government to provide information on the number of migrant domestic workers who have been able to change employers; those who have terminated their employment at their own request; and those who have had recourse to the complaints mechanisms established under Ministerial Decree No. 189/2004, as well as more specific information on the violations reported, the follow-up given to the complaints, and the remedies obtained.

Article 25. Penalties for the exaction of forced labour. The Committee notes that the new Penal Code, adopted in 2018, does not retain the provisions previously criminalizing forced prostitution and slavery, nor does it include any provision relating to the exaction of forced labour. Further, section 5 of the Labour Law prohibits employers from imposing any form of compulsory or forced labour on the worker,

and violations of this section are punishable by imprisonment, from ten days to one month, and/or a fine.

The Committee recalls that *Article 25* of the Convention requires that the exaction of forced labour be punishable as a penal offence, and that the penalties imposed by law be really adequate and strictly enforced. It draws the Government's attention to the fact that legislation that provides for a fine and/or a short term of imprisonment cannot be considered effective, given the seriousness of the offence and the dissuasive effect that the penalties should have. ***The Committee requests the Government to take measures to ensure that, in accordance with Article 25 of the Convention, persons who impose forced labour on migrant workers, including domestic workers, are prosecuted and sanctioned with dissuasive penalties, including by strengthening the capacity of law enforcement bodies to identify and proactively investigate situations of forced labour. It requests the Government to provide information on the judicial cases, penalties imposed and the legal provisions invoked to convict perpetrators.***

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 2005)

Previous comment

Article 1(a) of the Convention. Sentences of imprisonment involving the obligation to work as a punishment for expressing certain political views or views ideologically opposed to the established political, social or economic system. Following its previous comments, the Committee notes the Government's reference, in its report, to section 35 of the Basic Statute of the State, guaranteeing freedom of opinion and expression through speech, writing and all other means of expression, within the limits of the law. The Committee notes with ***regret*** that the Government has not provided information on the application of several provisions of the national legislation allowing for the imposition of penalties of imprisonment in circumstances covered by *Article 1(a)* of the Convention. The Committee recalls in this regard that, under section 15 of the Prisons Act (Decree No. 48 of July 1998), penalties of imprisonment involve the obligation to work. These provisions include:

- the Law on publication and printing (Royal Decree No. 84/49 of 26 May 1984) prohibits publications that harm the Sultan or Royal family, threaten the regime, oppose Islamic principles (section 25), damage the national currency, or create confusion about the economy (section 27). It also forbids publishing information without prior authorization from the Ministry of Information (section 33). Violators face up to two years of imprisonment (section 36).
- sections 5 and 54 of the Law on private associations (Royal Decree No. 14/2000) prohibit the formation of associations or parties for political or religious purposes. Those participating in activities beyond the association's purpose face up to six months of imprisonment.
- section 61 of the Law on telecommunications (Royal Decree No. 30 of 12 March 2002) provides for penalties of imprisonment for up to one year (doubled for repeat offences) for anyone using telecommunications to send messages that disrupt public order, violate morals, or harm others with false information.
- section 19 of the Cybercrime Law (Royal Decree No 12/2011) provides for imprisonment of one month to three years for using information networks or technology facilities to produce, publish or distribute anything that might prejudice the public order or religious values.

The Committee further takes note of several provisions of the Penal Law, promulgated by Royal Decree No. 7/2018 (as amended by Royal Decree No. 68/2022) pursuant to which prison sentences may be imposed in circumstances covered by *Article 1(a)* of the Convention, in particular:

- section 97 provides for a penalty of imprisonment ranging from three to seven years for publicly or through publication appealing against the Sultan's rights or authority, or publicly defaming his wife, the Crown Prince, or his other children.

- section 115 provides for imprisonment of three months to three years for broadcasting or publishing false or malicious news, data, rumours or propaganda that undermines the State or weakens confidence in its financial market. The same applies to possessing, obtaining or transporting such materials.
- section 116 provides for imprisonment of three to ten years for anyone who founds, organizes, manages or funds an entity that opposes the political, economic, social or security principles of the State. Joining such entities is punishable by one to three years of imprisonment.
- sections 121 and 123 provide for a penalty of imprisonment of three months to one year for participating in a public gathering of ten or more people that threatens security. Those who call for or incite such gatherings face imprisonment of three to six months.
- section 248 makes punishable by imprisonment of six months to three years the act of publicly disregarding the respect due to the judiciary in a manner that challenges its integrity.

The Committee observes that the provisions above either prohibit certain activities through which citizens can express political views or views ideologically opposed to the established system, or are worded in terms broad enough to lend themselves to an interpretation and application that could be incompatible with *Article 1(a)*, in so far as they could be used as a means of punishment for peacefully expressing political views through the imposition of sanctions of imprisonment involving compulsory labour. In this regard, the Committee notes that when Royal Decree No. 7/2018 was enacted, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression expressed "serious concern that Royal Decree No. 7/2018 in its current form uses overly broad terms that lack sufficiently clear definitions and permits authorities to severely criminalize expression. This allows authorities unbound discretion to punish public expression of any kind, which could lead to the institutionalization of violations of the fundamental rights to freedom of expression for individuals, in particular activists, human rights defenders or journalists" (Special Rapporteur communication to the Government of Oman dated 26 March 2018).

The Committee requests the Government to ensure that the above-mentioned legal provisions of the Law on publication and printing (Royal Decree No. 84/49 of 26 May 1984), Law on private associations (Royal Decree No. 14/2000), Law on telecommunications (Royal Decree No. 30 of 12 March 2002), Cybercrime Law (Royal Decree No. 12/2011) and Penal Law (Royal Decree No. 7/2018), are not used to punish persons who express political views or in a peaceful manner oppose the established political, social or economic system, with penalties involving compulsory labour. In this regard, the Committee requests the Government to provide information on the application of the above-mentioned provisions in practice, including on the number of prosecutions, convictions and penalties imposed, as well as on the facts that led to the imposition of convictions.

Pakistan

Forced Labour Convention, 1930 (No. 29) (ratification: 1957)

Previous comment

The Committee notes the observations of the All Pakistan Federation of Trade Unions (APFTU) received on 31 August 2023.

Articles 1(1), 2(1) and 25 of the Convention. Debt bondage. 1. *Legislative framework.* Following its previous comments, the Committee notes the Government's information in its report that the Balochistan Forced and Bonded Labour System (Abolition) Act, 2021 was enacted in 2021 while the Balochistan Forced and Bonded Labour System (Abolition) Rules, 2023 is under notification process. The Government also indicates that in February 2022, the Department of Labour conducted three consultative workshops on the Forced and Bonded Labour System (Abolition) Act, 2021 for workers' and employers' organizations and Government officials; launched an awareness campaign in the brick kilns

and other commercial establishments; and carried out training for 66 labour officials on the standard operation procedures for inspection of forced, bonded and child labour. Moreover, monthly inspections were carried out in workplaces and brick kilns. In addition, 51 workers were interviewed in person to examine the existence of any elements of forced and bonded labour at the workplace. However, no cases of forced or bonded labour were reported. During this process, 22 cases pertaining to payment of wages, minimum wages, working conditions and the social security scheme were reported, and a complaint was filed before the Director General of Labour Welfare/Chief Inspector of Factories/Chairman of the Minimum Wages Board for fixation of piece rate for making a brick.

With regard to the initiatives undertaken in the Khyber Pakhtunkhwa province (KPK), the Committee notes the Government's information that the KPK Bonded Labour (Abolition) Rules 2021, have been notified. It also states that in 2022 the Department of Labour intensified its efforts to eliminate forced and bonded labour by conducting regular inspections at various brick kilns, in addition to complaint-based inspections. Accordingly, in 2022, 500 inspections were carried out and no violation was found. The Government further indicates that the Labour Welfare Department of the Islamabad Capital territory is strictly implementing the Bonded Labour Abolition Act of 1991 and no cases of forced and bonded labour have been reported.

In this regard, the Committee notes that, in its observation, the APFTU indicates that the Convention is not fully implemented on account of limited independent labour inspection machinery, which needs to be enhanced and strengthened.

The Committee notes from the report of the National Commission for Human Rights, *The Issue of Bonded Labour in Pakistan*, 2023, that bonded labour is a widespread socio-economic phenomenon in the country affecting more than 3 million people. It is especially prevalent in the rural and agricultural sectors, particularly in the brick kiln sector in Punjab and in the tenant farms of Sindh. According to this report, an estimated 700,000 persons could be in the grips of bonded labour systems across more than 4,000 brick kilns in Pakistan. Victims of bonded labour in the agricultural sector are tenant farmers who often work with their entire families under a share-cropping arrangement with their landlord, or peasant workers who are hired on a wage basis. Peasant workers of Sindh suffer conditions of serfdom or agricultural feudalism far greater than in any other province. This report also indicates that although the law criminalizes bonded labour, the Government and law enforcement agencies have failed to secure a single conviction of bonded labour perpetrators. The police and local administration have been unable or unwilling to implement bonded labour laws and adequately monitor and address instances of debt-bondage.

The Committee urges the Government to take the necessary measures to ensure that the provincial laws abolishing bonded labour are strictly and effectively enforced and that adequate penalties are imposed on persons who involve others in bonded labour. In this regard, it urges the Government to take the necessary measures to strengthen the capacity of law enforcement agencies, particularly the labour inspectors and the police, to detect and investigate bonded labour, including in the rural brick and agricultural sectors of the KPK, Punjab and Sindh, and to provide information on any results achieved or progress made in this regard. Lastly, it requests the Government to provide information on the number of violations identified, indicating whether they come from complaints or regular inspections, as well as the number of prosecutions, convictions and penalties applied to perpetrators of bonded labour for each of the three provinces.

2. *Programmes of action.* Following its previous comments, the Committee notes the Government's information that as part of the National Strategic Framework to Eliminate Child and Bonded Labour in Pakistan, several amendments were introduced to the bonded labour laws of Punjab and Balochistan. In the KPK, the Child and Bonded Labour Units are being reactivated and several training sessions on child labour and bonded labour were conducted for labour inspectors in 2022. The Committee notes from the report of the National Commission for Human Rights that, according to the 2022 report of the

Hari Welfare Association (a non-governmental organization active in the promotion of peasant workers' rights), since 2013, more than 10,000 people have been released from the bonded labour system in the agricultural sector of Sindh. ***The Committee requests the Government to pursue its efforts to prevent and eliminate bonded labour in the brick kilns and in the agricultural sector, as well as to adopt measures to rehabilitate and reintegrate into society the freed bonded labourers, including through the provision of skills development and other income-generating activities. It requests the Government to continue to provide information on the measures taken in this regard and on the results achieved, indicating the number of bonded labourers withdrawn and rehabilitated.***

3. *District vigilance committees (DVCs).* In response to its previous comments concerning the establishment of the DVCs and their functioning, the Committee notes the Government's information that in Balochistan, the DVCs will be established following the notification of the Balochistan Forced and Bonded Labour System (Abolition) Rules, 2023. However, currently the Provincial and District Anti-human Trafficking and Anti-bonded Labour Monitoring Committee is active and functional. The DVCs in the province of the KPK, one of the members of which is a district labour officer, carry out regular meetings during which the situation of bonded labour is assessed. Moreover, a Child and Bonded Labour Unit has been established in the Directorate of Labour and the recruitment process for its 12 positions is in the final stage. In Sindh, the Labour Department has undertaken initiatives to reconstitute and activate the DVCs and to provide training to ensure better implementation of the bonded labour laws. The Government further indicates that, in Punjab, 12 DVCs were provided training on the implementation of the national strategic framework to eliminate bonded labour with the support of the ILO in 2022; 412 DVC meetings were held; and 27 complaints of bonded labour were reported and amicably settled by the DVCs. The Committee notes however from the report of the National Commission for Human Rights that the provincial government has not yet notified the DVCs in all the districts of the province. According to the same report, the DVCs are practically non-functional even where notified, which is borne out by the fact that not a single case of bonded labour has been detected in any district. Those DVCs that have been notified indicate a poor track record in reporting and addressing cases of bonded labour. ***The Committee urges the Government to intensify its efforts to enhance and strengthen the capacity of the DVCs in all the provinces so as to enable them to effectively monitor the implementation of the bonded labour laws, identify and rescue bonded labourers, and provide them with appropriate assistance. It requests the Government to provide information on the measures taken in this regard and the results achieved in terms of the number of cases of bonded labour identified and labourers withdrawn by the DVCs***.

4. *Data-gathering measures to ascertain the current nature and scope of bonded labour.* The Committee notes with ***deep regret*** that, despite its repeated indication over several years, the Government has taken no concrete measures to undertake a statistical survey on bonded labour in the country. The Committee once again points out that accurate data are a vital step for developing the most effective policies to combat bonded labour and for providing a solid base for the assessment of the effectiveness of these policies. ***The Committee therefore strongly urges the Government to intensify its efforts to ensure that a survey to assess the full extent and prevalence of bonded labour in the country is undertaken in each province, particularly in Punjab and Sindh, in the near future, in cooperation with employers' and workers' organizations and other relevant partners. It requests the Government to provide information on any progress achieved in this regard, as well as copies of the surveys, once completed.***

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1960)

Previous comment: observation

Previous comment: direct request

Article 1(a) and (e) of the Convention. Penalties involving compulsory labour as a punishment for expressing political views and as a means of religious discrimination. For a number of years, the Committee has been referring to sections 10–13 of the Security of Pakistan Act 1952; sections 5, 26, 28 and 30 of the Press, Newspaper, News Agencies and Books Registration Ordinance 2002; section 33(2) and (3) of the Electronic Media Regulatory Authority Ordinance 2002; and sections 8 and 9 of the Anti-Terrorism Act 1997, which provide for restrictions on the expression of political views and entail penalties of imprisonment involving compulsory labour in cases of violations. It also referred to sections 298B(1) and (2) and 298C of the Penal Code, inserted by the Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, No. XX of 1984, under which any person of these groups who uses Islamic epithets, nomenclature and titles is punishable with penalties of imprisonment (which involve compulsory labour) for a term of up to three years. The Committee urged the Government to take the necessary measures to ensure that the above-mentioned provisions are amended so as to bring them into conformity with the Convention.

The Committee notes with ***regret*** that the Government has not provided any information on the measures taken in this regard. The Committee recalls that the Convention protects persons who express political views or views ideologically opposed to the established political, social or economic system by providing that they cannot be punished for these activities by penalties which involve compulsory labour (including compulsory prison labour), unless for situations connected with the use of violence or incitement to violence. ***The Committee therefore once again urges the Government to take the necessary measures to amend sections 10–13 of the Security of Pakistan Act 1952; sections 5, 26, 28 and 30 of the Press, Newspaper, News Agencies and Books Registration Ordinance 2002; section 32(2) and (3) of the Electronic Media Regulatory Authority Ordinance 2002; sections 8 and 9 of the Anti-Terrorism Act 1997; and sections 298B(1) and (2) and 298C of the Penal Code, either by clearly restricting their scope to situations connected with the use of violence or incitement to violence, or by repealing penalties involving compulsory labour. It requests the Government to provide information on any progress made in this regard as well as information on the application in practice of the above-mentioned provisions, specifying the number of prosecutions, convictions and the types of penalties imposed.***

Article 1(c) and (d). Penalties involving compulsory labour as a means of labour discipline and as a punishment for having participated in strikes. 1. *Pakistan Merchant Shipping Ordinance, 2001.* For many years, the Committee has been referring to sections 204, 206, 207 and 208 of the Pakistan Merchant Shipping Ordinance, 2001, under which penalties of imprisonment, which may involve compulsory labour by virtue, inter alia, of section 3(26) of the General Clauses Act, 1897, may be imposed in respect of various breaches of labour discipline by seafarers (such as absence without leave, wilful disobedience, or combining with the crew in "neglect" of duty), and seafarers may be forcibly conveyed on board ship. The Committee observed that provisions of the Pakistan Merchant Shipping Ordinance, 2001 did not appear to be limited in scope to circumstances endangering the safety of the ship or the life or health of persons. Noting the Government's information that the Ministry of Maritime Affairs was in the process of amending the above-mentioned provisions of the Merchant Shipping Ordinance, the Committee hoped that such amendments would be adopted in the very near future.

The Committee notes with ***regret*** that the Government has not provided any information with regard to the amendments made to the Pakistan Merchant Shipping Ordinance. The Committee once again recalls that *Article 1(c)* of the Convention expressly prohibits the use of any form of forced or compulsory labour as a means of labour discipline and that the punishment of breaches of labour discipline with sanctions of imprisonment (involving an obligation to perform labour) is incompatible

with the Convention. ***The Committee therefore once again urges the Government to take the necessary measures to ensure that the provisions of the Pakistan Merchant Shipping Ordinance that prescribe penalties for breaches of labour discipline, under which seafarers may be imprisoned or forcibly returned on board ship to perform duties are amended or repealed without delay. The Committee requests the Government to provide information on any progress made in this regard.***

2. *Essential Services (Maintenance) Act, 1952.* For many years the Committee has been referring to certain provisions of the Pakistan Essential Services (Maintenance) Act, 1952, and corresponding provincial Acts, under which employees are prohibited from leaving their employment without the consent of the employer, as well as from striking, subject to penalties of imprisonment that involve compulsory labour. It urged the Government to take the necessary measures to ensure that the Pakistan Essential Services (Maintenance) Act and corresponding provincial Acts, are amended in order to bring them into conformity with the Convention.

The Committee notes with ***regret*** that the Government has not provided any information on the measures taken in this regard. The Committee once again recalls that *Article 1(c)* of the Convention prohibits the use of any form of forced or compulsory labour as a punishment for breaches of labour discipline and that *Article 1(d)* of the Convention prohibits the imposition of sentences involving compulsory labour as a punishment for having participated in strikes. It also recalls that no sanctions involving compulsory labour can be imposed for the mere fact of organizing or peacefully participating in strikes (see the 2012 General Survey on the fundamental Conventions, paragraph 315). ***The Committee therefore once again urges the Government to take the necessary measures to ensure that the provisions of the Pakistan Essential Services (Maintenance) Act, 1952, and corresponding provincial Acts, which impose penalties involving compulsory labour on employees for leaving their employment without the consent of the employer or for participating peacefully in strikes, are amended or repealed without delay. The Committee requests the Government to provide information on the progress made in this regard.***

3. *Industrial Relations Act, 2012.* The Committee previously noted the Government's information that, according to sections 32(1)(e) and 67(3) of the Industrial Relations Act 2012, unfair labour practices of a worker, including to commence, continue, instigate or incite others to take part in, or expend or supply money or otherwise act in furtherance or support of, an illegal strike or a go-slow, is liable to imprisonment for up to thirty days, which may involve compulsory labour. Recalling that the imposition of sanctions involving compulsory labour as a punishment for having peacefully participated in strikes is incompatible with the Convention, the Committee requested the Government to take the necessary measures to bring the above-mentioned provisions of the Industrial Relations Act into conformity with the Convention.

The Committee notes the Government's information that the draft amendments to the Industrial Relations Act, 2012 which include amendments to sections 32(1)(e) and 67(3) have been prepared and are awaiting to be presented before the Parliament after consultation with relevant stakeholders. ***The Committee expresses the firm hope that the Government will take the necessary measures to ensure that the amendments to the Industrial Relations Act of 2012, which shall bring sections 32(1)(e) and 67(3) into conformity with the Convention, will be adopted in the very near future. It requests the Government to provide information on the progress made in this regard.***

Paraguay

Forced Labour Convention, 1930 (No. 29) (ratification: 1967)

Previous comment: observation

Previous comment: direct request

Articles 1(1), 2(1) and 25 of the Convention. 1. *Institutional framework for action to combat forced labour.* With regard to the results achieved in the implementation of the National Strategy for the Prevention of Forced Labour and the Plan of Action for the Prevention and Eradication of Forced Labour, the Government states in its report that through a broad tripartite consultation process led by the National Commission on Fundamental Labour Rights and the Prevention of Forced Labour (CONTRAFOR), it adopted the Second National Strategy for the Prevention of Forced Labour 2021–24, the general objective of which is to prevent and eradicate forced labour through a system of comprehensive support for victims. This National Strategy has five strategic axes: (i) institutional strengthening; (ii) prevention; (iii) detection; (iv) support for victims; and (v) punishment. The Government provides information on the process of the development of the Second National Strategy, as well as on the activities developed under the Second National Strategy between 2021 and 2023 and, in particular, on the training and awareness-raising workshops carried out, the drafting of proposals for inter-institutional cooperation, and the framework and specific inter-administrative agreements between the Ministry of Labour, Employment and Social Security (MTESS) and other administrative bodies in order to prevent and eradicate forced labour, such as Specific Agreement No. 1 (31 May 2023) between the MTESS and the Paraguayan Association of Mennonite Communities (ACOMEPA).

Furthermore, the Committee notes that the Government has not provided information on the roles assigned to the institutions responsible for the implementation of the National Strategy, or on the regional plans or the annual report by the Monitoring and Evaluation Commission. ***The Committee therefore requests the Government to intensify its efforts to combat forced labour and to provide detailed information on the measures taken under the strategic axes of the National Strategy and on the results of the monitoring and evaluation of its implementation. The Committee also hopes that regional plans will be adopted to ensure coordinated and systematic action to combat forced labour at the national and regional levels and requests the Government to provide information on the measures taken in this regard.***

2. *Exploitation of the labour of indigenous workers in the Chaco.* In its previous comments, the Committee requested information on the action taken by the labour inspectorate and cooperation between the Ministry of Labour, the Paraguayan Indigenous Institute (INDI), the Office of the Public Prosecutor and the police for the investigation of cases of forced labour in the Chaco and the protection of victims. In response, the Government reports that thorough inspections in livestock undertakings in the departments of Boquerón and Alto Paraguay have been established by MTESS Resolution No. 1212/2021, and that efforts have been intensified to facilitate the access of indigenous workers to administrative and judicial procedures to report possible cases of forced labour. In this regard, it indicates that there are Ombuds Offices in the departments of Alto Paraguay (Fuerte Olimpo and Puerto Casado), Presidente Hayes (Villa Hayes) and Boquerón (Filadelfia), which provide free assistance and representation to parties interested in initiating proceedings or filing a complaint with the respective jurisdictional authorities. It adds that the Regional Office of Indigenous Peoples frequently participates in the tripartite meetings of CONTRAFOR that are held in the city of Asunción.

The Committee notes that, according to the information provided for 2021, labour inspections were conducted in 13 undertakings in the western region (Chaco Paraguayo), 2 of which were conducted in the livestock sector. Of the 13 inspections conducted, 8 were closed, while the remaining 5 identified labour legislation violations, affecting more than 170 workers, and for which violation reports were prepared to initiate the administrative summary proceeding. The Committee also notes the report of

the Office of the Labour Department for Indigenous Peoples of Boquerón (of 23 March 2023), which provides statistical information on the persons counselled, the settlements made, the mediation hearings held and the agreements signed by the parties between 2020 and 2022. The Government indicates that the indigenous communities have participated and that awareness-raising activities, such as meetings and workshops, have been carried out, which have allowed some cases of non-compliance to be resolved and others to be escalated to judicial bodies.

The Committee also notes that under the Okakuaa project, awareness-raising activities on labour rights have been carried out, with a special focus on indigenous populations in the department of Boquerón, and that under the ATLAS Project (2019–22), awareness-raising and training has been held for labour inspectors and materials for the training and dissemination of labour rights have been developed.

While noting these measures, the Committee notes the lack of information on the number of inspections undertaken specifically in the Chaco region, the complaints received, and the administrative and criminal penalties imposed. In this regard, the Committee observes that, while examining the application of the Labour Inspection Convention, 1947 (No. 81), in June 2024, the Conference Committee on the Application of Standards noted with concern various issues relating to the effective functioning of the labour inspection system in the country, including a lack of human and material resources, the instability of employment of labour inspectors, and the absence of means to function effectively and independently through the unrestricted access of labour inspectors to workplaces without prior authorization.

The Committee urges the Government to continue implementing measures to facilitate the access of indigenous workers to administrative and judicial procedures to report situations of forced labour, taking into account their geographical location, linguistic and cultural situation, and educational level. In this regard, the Committee urges the Government to continue intensifying its efforts to ensure the presence of labour inspectors in the most remote areas of the Chaco, where indigenous workers are present, and to provide information on the frequency with which inspections are carried out, the current number of inspectors covering this region, the violations detected, as well as the administrative and criminal penalties imposed. Lastly, the Committee requests the Government to provide information on the manner in which the MTESS, the Office of the Public Prosecutor and the police coordinate the detection and investigation of cases of exploitation that could constitute forced labour, as well as the coordination between the MTESS and INDI to address the problems affecting the indigenous peoples of the Chaco.

Article 2(2)(c). Obligation to work imposed on non-convicted detainees. The Committee recalls that, in its previous comments, it emphasized the need to amend the Act on the prison system (Act No. 210 of 1970), under the terms of which prison labour shall be compulsory for persons subject to security measures in a prison (section 10 in conjunction with section 39). The Government reports that the Ministry of Justice, by Note MJ/VPC/061/22 of 2022, issued a legal concept according to which Act No. 5162 of 2014 implicitly or tacitly repeals section 39 of Act No. 210 of 1970, concluding that there are no legal impediments to continuing the process of express repeal and that the formalization of the repeal is only to make it explicitly clear. ***The Committee urges the Government to continue taking the necessary measures for the prompt approval of the draft legislation repealing section 39 of Act No. 210 of 1970 on the prison system, so that, in accordance with Article 2(2)(c) of the Convention, compulsory labour can only be imposed on persons deprived of their liberty who have been sentenced by a court decision, which is not the case of persons subject to security measures.***

The Committee is raising other matters in a request addressed directly to the Government.

Peru

Forced Labour Convention, 1930 (No. 29) (ratification: 1960)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2021)

Previous comment

The Committee welcomes the ratification by Peru of the Protocol of 2014 to the Forced Labour Convention, 1930. ***Noting that the first report of the Government has not been received, the Committee requests the Government to provide detailed information on the application of the Protocol, in accordance with the report form adopted by the Governing Body.***

The Committee also notes the observations of the Autonomous Workers' Confederation of Peru (CATP), received on 1 September 2023.

Articles 1(1) and 2(1) of the Convention. 1. *Action to combat forced labour.* (i) *National plan against forced labour.* The Committee notes the information provided by the Government in its report on the measures taken under the Third National Plan to combat forced labour 2019–22 (PNLCTF-III). It notes in particular that: (i) the Ministry of Labour and Employment Promotion (Ministry of Labour) worked with the regional labour departments and directorates to coordinate actions on forced labour in regional or local plans; (ii) teams were formed and trained to raise public awareness of forced labour in ten regions; (iii) training activities were implemented for the general public and for public servants on how to identify and report possible cases of forced labour; and (iv) progress was made on formulating a proposal for a national multi-sectoral policy for the prevention and elimination of forced labour with the assistance of the ILO.

The Committee notes with ***interest*** the adoption in 2021 of Act No. 31330, declaring the implementation of public policies for the prevention and elimination of forced labour, and the setting up of the National Observatory on Forced Labour, to be of public interest, as well as its regulations (Supreme Decree No. 005-2022-TR). Under section 9 of these regulations, the goal of the Observatory is to generate, compile, consolidate, systematize, analyse and disseminate information held by public bodies on forced labour, and thereby to strengthen public policies that help to eliminate it. The Observatory's activities include the development of forced labour indicators, the production of statistics on forced labour, and the provision of technical and methodological advice on forced labour to national and regional bodies. The Government also indicates that, since May 2022, steps have been taken to make the Observatory operational, including carrying out an institutional analysis and formulating an implementation strategy and training plan.

The Committee also notes that the CATP in its observations points out that, despite the fact that Act No. 31330 provides that the Ministry of Labour shall send an annual report to Congress regarding progress on the implementation of public policies to prevent and eliminate forced labour, this report has not been made available to the trade unions belonging to the National Council for Labour and Employment Promotion. Nor have the unions been able to access information on the status of activation of the Observatory, the results of the surveys on the prevalence of forced labour, and the evaluation of the PNLCTF. The CATP also refers to the limited operational capacity of the public institutions responsible for the elimination of forced labour.

The Committee requests the Government to continue its efforts to prevent and combat forced labour by strengthening the capacity of institutions that have responsibility in this area, and by the adoption, in consultation with the employers' and workers' organizations, of the national multi-sectoral policy for the prevention and elimination of forced labour. In this regard, the Committee requests the Government to provide information on the activities of the National Observatory on Forced Labour and the results of the evaluations carried out by the National Committee on Combating

Forced Labour (CNLCTF). Lastly, the Committee requests the Government to provide statistical information on the scale of forced labour in the different regions of the country.

(ii) *Strengthening of labour inspection.* With regard to the capacity of the labour inspectorate to identify situations of forced labour, the Committee recalls the existence of the Specialist Inspection Group on Forced and Child Labour (GEIT-TFI), as well as a Protocol of Action against forced labour adopted by the National Labour Inspection Supervisory Authority (SUNAFIL). The Committee notes that the Government indicates in general terms that between 2022 and 2023 a total of 110 inspection orders were issued, but does not specify the number of cases in which possible situations of forced labour were identified. The Committee also notes the CATP's observation that in 2021 a total of 47 inspections were carried out in the area of forced labour (11 as a result of complaints and 36 as SUNAFIL operations) and that, of the 47 inspections, 8 resulted in violation reports, but it is not known whether the fines imposed were actually paid or whether these cases were referred to the Public Prosecutor's Office to initiate the corresponding criminal proceedings.

The Committee recalls that labour inspection is an essential link in the fight against forced labour, since it not only enables workers to be released from the situations of forced labour in which they find themselves but also provides evidence to be gathered that will serve to initiate civil and criminal prosecutions against the perpetrators of these practices. ***The Committee encourages the Government to continue taking measures to strengthen the capacity of labour inspectors to identify situations of forced labour, particularly for the Specialist Inspection Group on Forced and Child Labour (GEIT-TFI) in areas and economic activities where forced labour is present. The Committee requests the Government to provide information on violations involving forced labour which have been detected and also on other very serious labour violations which can be indicators of forced labour. The Committee also requests the Government to indicate the number of cases of forced labour identified by the labour inspectorate which have been referred to the Public Prosecutor's Office for the purpose of instituting criminal proceedings.***

(iii) *Effective application of penalties.* The Committee notes the Government's indication that actions were carried out in the context of the PNLCTF-III to train judicial officials in the investigation and prosecution of the crime of forced labour, and the Protocol of the Public Prosecutor's Office for prosecution action in the prevention, investigation and punishment of cases of forced labour was adopted. The Committee also notes that between 2019 and 2021 8 criminal proceedings for forced labour (section 129-O of the Penal Code) were carried out, of which 4 cases resulted in convictions (in 1 case the defendant was acquitted and in the other 3 cases a custodial sentence was imposed); 18 criminal proceedings for the offence of sexual exploitation (section 129-C of the Penal Code), 9 of which resulted in convictions (in 3 cases the defendant was acquitted and in the other 6 cases a custodial sentence was imposed); and 2 criminal proceedings for the offence of slavery and other forms of exploitation (section 129-Ñ of the Penal Code), which are at the investigation stage.

The Committee notes that, in its observations, the CATP indicates that the number of cases of forced labour reported is very low, which could be due to lack of knowledge of the problem and of the concept of forced labour, or of which authorities forced labour should be reported to. The CATP considers that training and awareness-raising strategies should focus on population groups most vulnerable to forced labour, mainly in the regions most at risk, and on officials who come into direct, ongoing contact with these groups.

The Committee requests the Government to continue taking steps to train judicial officials to enable proactive identification and investigation of situations of forced labour; to inform the public, especially in areas with a high prevalence of forced labour, regarding the means that exist to report situations of forced labour; and to facilitate access to such mechanisms. The Committee also requests the Government to continue providing information on the judicial proceedings under sections 129-O (forced labour), 129-C (sexual exploitation) and 129-Ñ (slavery and other forms of exploitation) of the

Penal Code, and also on the difficulties encountered by judicial officials in conducting investigations in relation to these crimes.

2. *Forced labour practices connected with illegal logging and illegal mining*. In its previous comments under the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Committee noted the allegations relating to the practice of forced labour in indigenous communities in Peruvian Amazonia, particularly the Ucayali region, linked to illegal timber extraction under a system known as *habilitación*. This system involves timber dealers from outside the community providing indigenous workers with work and subsistence items, establishing debts that the workers are required to pay by providing timber.

The Committee notes the Government's indication that, within the framework of the PNLCTF-III, case studies were examined in the regions of Cusco, Loreto, Madre de Dios, Puno and Ucayali, revealing the presence of forced labour in activities linked to illegal timber extraction and gold mining. According to the records of the National Committee on Combating Forced Labour (CNLCTF), training and awareness-raising activities have been carried out for public servants and the general public in the regions of Junín, Lima Provincias, Madre de Dios, Moquegua, Pasco, Piura, Puno, San Martín, Tacna, Tumbes and Ucayali, with 79 participants (record of ordinary session No. 133 of January 2024). The Committee further notes that the Government, the Regional Directorate of Labour and Employment Promotion of Ucayali (DRTPEU) and the ILO held a workshop on forced labour and safety and health in work areas, which addressed representatives of indigenous communities in Ucayali.

The Committee also notes that, according to the information provided by the Government in the report on Convention No. 169, none of the specialist prosecution offices (dealing with environmental matters and cases of organized crime) in the Ucayali special district identified complaints relating to forced labour (the *habilitación* system). The Government indicates that SUNAFIL, the Ministry of Labour and the regional government have coordinated actions aimed at establishing a regional committee in Ucayali for tackling the problem of forced labour. In this regard, the Committee notes that while the trade unions (CGTP, CUT and CATP) indicate in their observations on Convention No. 169 that the proposal to set up a regional committee is to be recommended, they emphasize that this should not only be a coordination forum for the authorities and they highlight the lack of information on the results achieved by the national plan and strategy for combating forced labour.

The Committee also notes that, according to surveys of members of the regional round tables, networks and committees against trafficking in persons (the results of which are included in the National Plan up to 2030 against trafficking in persons and related forms of exploitation), 41 per cent of those surveyed consider that scrutiny of illicit activities such as illegal logging and illegal mining is non-existent in both urban and rural areas, and 29 per cent consider it to be ineffective. The Committee also notes that 25 per cent of respondents consider that inspection of spaces and activities in areas where the risk of labour and sexual exploitation is prevalent is non-existent in rural areas; 39 per cent consider that it occurs occasionally in rural areas; and 28 per cent consider that these preventive actions are never carried out anywhere. The Committee notes that the United Nations Human Rights Committee, in its concluding observations of 2023, noted that forced labour persists, especially in the extractive industries, including in areas with significant mining activities and in informal and small-scale mining (CCPR/C/PER/CO/6).

The Committee notes with ***concern*** that challenges remain regarding the capacity of the competent authorities to monitor and prevent forced labour practices associated with illegal logging and illegal mining in remote regions. ***The Committee urges the Government to take steps without delay to prevent, investigate and punish forced labour practices associated with the illicit extraction of resources (such as illegal logging and gold mining), especially in indigenous communities. The Committee also requests the Government to provide information on the action taken to establish the Ucayali regional committee for combating forced labour. In this regard, the Committee requests the***

Government to provide information, once this committee has been set up, on the actions taken to reinforce the presence of government agencies in the Ucayali region, to facilitate access for indigenous workers to administrative and judicial mechanisms to report situations of forced labour and receive adequate protection, and to investigate cases of forced labour. The Committee also requests the Government to continue providing information on any evaluations by the National Committee on Combating Forced Labour (CNLCTF) of measures taken, under the Third National Plan to combat forced labour 2019–22 (PNLCTF-III), in remote regions such as Ucayali and Madre de Dios.

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1960)

Previous comment

Impact of the obligation to work for persons sentenced to a custodial sentence on the application of the Convention. The Committee notes the adoption in February 2021 of the Supreme Decree approving the single consolidated text of the Penal Enforcement Code (Supreme Decree No. 003-2021-JUS). Section 73 of this Decree establishes that work is a right and a duty for inmates. The Committee also notes that section 104 of the regulations implementing the Penal Enforcement Code (Supreme Decree No. 015-2003-JUS) provides that work in prisons is compulsory for convicted prisoners, while it is voluntary for inmates awaiting trial. The Committee further recalls that under sections 31 and 32 of the Penal Code, taken together, the penalty of community service can be applied as an autonomous penalty when it is specifically designated for a crime, or as an alternative penalty to a custodial sentence. Hence, the Committee observes that the current criminal legislation establishes the obligation to work for persons serving a custodial sentence, as well as for those who have been sentenced to community service. The Committee emphasizes that penalties involving compulsory labour fall within the scope of the Convention when applied in one of the scenarios established in *Article 1* of the Convention.

Article 1(a) of the Convention. Imposition of community service as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. For a number of years, the Committee has been referring to section 132 (defamation) and section 200(3) (extortion) of the Penal Code, which establish penalties of imprisonment (involving the obligation to work) or performance of community service for offences which, as a result of being worded in very general terms, could have an impact on *Article 1(a)* of the Convention.

The Committee notes the Government's indication in its report that there is nothing in the national criminal legislation that criminalizes the expression of political views or opposition to the established political, social or economic system. In response to the Committee's request for information on the application of the above-mentioned provisions, the Government provides information on the number of proceedings instituted and rulings handed down for the crime of extortion (section 200(3) of the Penal Code) between 2018 and 2022. During this period, 58 convictions were handed down for this offence. The Government also refers to the ruling of the Constitutional Court of Peru handed down in case 0009-2018-PI/TC in which the Court considered that section 200(3) of the Penal Code does not violate the fundamental right to freedom of assembly, since it is not about accommodating violence or unduly seeking economic or other benefits or advantages.

The Committee also notes the report of the Office of the United Nations High Commissioner for Human Rights, of 19 October 2023, containing observations on the human rights situation in the context of the protests in Peru. According to this report, up to August 2023, a total of 36 persons were under investigation for alleged crimes in the context of the protests, including for extortion, which is criminalized under section 200 of the Penal Code.

The Committee also notes that, according to the report of the Inter-American Commission on Human Rights on the situation in Peru in the context of social protests, published in April 2023, criminal offences such as extortion, obstruction of public throughfares and disturbance of public order are

commonly used indiscriminately to criminalize protest. Regarding this last point, the Committee notes section 452 of the Penal Code, establishing the offence of disturbing public order, under which any person who slightly disturbs the public peace by using means likely to cause alarm, or who verbally shows lack of respect or consideration towards an authority without seriously offending it, or who disobeys orders given by it, shall incur the penalty of community service of 20 to 40 days.

Lastly, the Committee notes that the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, in its special report on the situation of freedom of expression in Peru, published in December 2023, referred to the use of criminal law mechanisms against journalists legitimately exercising their right to provide information. Specifically, it highlighted the constant use of judicial harassment, particularly towards investigative journalism, through criminal law concepts (libel, slander and defamation) as a mechanism for putting pressure on journalists and communicators.

The Committee wishes to recall that the primary objective of *Article 1(a)* is to protect persons who, in the exercise of freedom of expression or other related civil liberties, express political views or views ideologically opposed to the established political, social or economic system, by stipulating that penalties involving an obligation to work cannot be imposed on them. The Committee also recalls in this regard that situations where the expression of views opposed to the established system occurs through recourse to violence or incitement to violence are outside the scope of the protection granted by the Convention (see 2023 general observation on the Convention).

The Committee notes that, according to the information provided by the Government and that contained in the reports of the Office of the High Commissioner for Human Rights and the Inter-American Commission on Human Rights, the criminal provision covering the offence of extortion (section 200(3)) is applied in practice and convictions have been handed down on the basis of this provision. With regard to the offence of disturbing public order (section 402), which is reportedly invoked against persons participating in protests, the Committee notes that this is also drafted in sufficiently broad terms to have a potential impact on *Article 1(a)* of the Convention.

The Committee therefore requests the Government to take the necessary measures to ensure that individuals who express political views or peaceful opposition to the established political, social or economic system cannot incur penalties involving the obligation to work, including measures to strengthen the knowledge of judicial officials regarding the scope of limitations on the exercise of liberties permitted for the purpose of safeguarding public order. In this regard, the Committee also requests the Government to continue providing information on the application of sections 132, 200(3) and 452 of the Penal Code, including information on the number of charges brought, court rulings handed down, specific penalties imposed and acts that have resulted in convictions.

The Committee is raising other matters in a request addressed directly to the Government.

Philippines

Forced Labour Convention, 1930 (No. 29) (ratification: 2005)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. *Institutional framework.* In response to its previous comments, the Committee notes the Government's information in its report that the Inter-Agency Council Against Trafficking (IACAT) and the Department of Social Workers Development (DSWD) have been implementing the National Strategic Action Plan (NSAP) 2017–2021, and a total of 141 activities out of the 257 planned were successfully completed. Within the framework of this NSAP: (i) initiatives to formulate policies and programmes addressing emerging trends in trafficking in persons were undertaken; (ii) social welfare and protective care services for victims of trafficking were enhanced; (iii) a Justice Coordination System Mechanism (JCSM) in partnership with the

Office of the Court Administrator, to enhance monitoring and adjudication of trafficking cases, was established; (iv) consultation workshops with stakeholders from various sectors, which allowed flexibility and adaptability in the implementation of the NSAP, were conducted; and (v) a Memorandum of Understanding was signed between the IACAT and the International Justice Mission (IJM) to co-develop a comprehensive, harmonized and quality data collection system and an analysis of data on trafficking in persons. The Committee also notes the Government's indication that the Fourth NSAP 2023–2027 which aims to effectively design, plan, implement, monitor and evaluate anti-trafficking interventions in the four key result areas including, prevention and advocacy, protection and reintegration, prosecution and law enforcement, and partnerships, was launched on 18 April 2023.

The Government further indicates that several anti-trafficking in persons awareness-raising programmes were carried out and an anti-trafficking hotline, IACAT 1343 Actionline, to receive and immediately respond to requests for assistance, inquiries and referrals for victims of trafficking was set up. In 2020, IACAT 1343 Actionline received 55 reports of trafficking in persons, involving 31 victims. The Committee also notes from the 2020 Accomplishment Report of the IACAT that, as of December 2020, 70 per cent of the 81 provinces, 88 per cent of the 145 cities and 83 per cent of the 1,489 municipalities of the country had established the respective Committees on Anti-Trafficking and Violence against Women.

Furthermore, the Committee notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), in its concluding observations of 2023, while commending the State party's efforts to strengthen its legal and policy framework to combat trafficking in persons, expressed concern that the State party remains a source, destination and transit country for trafficking in persons, in particular women and girls, for purposes of sexual exploitation and labour exploitation. CEDAW was particularly concerned at the limited progress in addressing the root causes of trafficking within the State party, including poverty and lack of economic opportunities, in particular in rural and remote areas (CEDAW/C/PHL/CO/9). ***The Committee welcomes the continued strengthening of the institutional framework to combat trafficking in persons, and requests the Government to continue to take the necessary measures to combat trafficking in persons both for labour and sexual exploitation, particularly of women and girls, including by effectively implementing the four key areas under the National Strategic Action Plan, 2023–2027. It requests the Government to continue to provide information on the measures taken in this regard, as well as on any assessment of the results achieved, the difficulties encountered and the measures taken as a result. The Committee lastly requests the Government to provide information on the role played by the provincial, city and municipal Committees on Anti-trafficking and Violence against Women in combating trafficking in persons, particularly in rural and remote areas.***

2. *Law enforcement measures and penalties.* The Committee notes the Government's information in its report that the Anti-Trafficking in Persons Act No. 9208 of 2003 has been amended by the Expanded Anti-Trafficking in Persons Republic Act No. 11862 of 2022 (RA 11862) with the aim of combating trafficking more effectively and ensuring enhanced protection to victims of trafficking. The Committee notes that under RA 11862 the "internet intermediaries" and the "financial intermediaries" that allow their internet infrastructure, services or applications to be used for promoting trafficking in persons, as well as producing, printing, and issuing or distributing unissued, tampered or fake passports and birth certificates are considered acts that promote trafficking in persons (section 5); and offences of trafficking in persons committed by or through the use of information and communications technology or any computer system are classified as Qualified Trafficking in Persons (section 6). Moreover, according to section 8, the law enforcement agencies are mandated to immediately initiate an investigation and counter-trafficking intelligence within ten days upon receipt of any statements, reports, affidavits or any information concerning any possible violations under this Act. The Government also indicates that the IACAT endorsed the revised Act No. 11862, which serves as a comprehensive guide to the practical

application of the aforementioned statute, clarifying procedural aspects and establishing standardized practices.

The Committee also notes the Government's information that the Secretary of Justice issued Department Order No. 075 in February 2023, directing the National Bureau of Investigation (NBI) to coordinate with the IACAT for case build-up and investigations, and Department Circular No. 20 in March 2023, providing directives and guidelines to prosecutors to take an active role for stronger case build-up, in close cooperation with the complainants and/or law enforcement agencies. Moreover, the Philippine Judicial Academy (PHILJA) and Australia-Asia Program to Combat Trafficking in Persons (AAPTIP), in coordination with the IACAT conducted a series of focus group discussions with the judiciary, with the aim of providing a deeper understanding of the international and domestic legal framework, and increase their competencies in the prosecution, adjudication and revision of cases related to trafficking in persons.

With regard to the statistical information provided by the Government on the cases of trafficking in persons brought before the courts, the Committee notes that from 2005 to 2023, 4,666 cases of trafficking in persons were filed, of which 1,235 cases were decided by the courts with 878 convictions and 357 acquittals. The Government also indicates that a total of 2,084 victims of trafficking, including 1,298 minors, were involved in the above cases. The Government further indicates that the national police conducted 329 anti-trafficking in persons operations in 2021, and 300 cases were filed before the Prosecutor's Office; and the Anti-Human Trafficking Divisions conducted 16 anti-trafficking operations and investigated 145 cases, of which 87 were closed and 5 were filed for prosecution. The Committee observes that no information has been provided on the penalties imposed for the offences related to trafficking in persons***. The Committee requests the Government to pursue its efforts to ensure that all identified cases of trafficking be subject to in-depth investigations with a view to prosecution, and to allow for the imposition of sufficiently dissuasive penalties for persons engaged in trafficking. It also requests the Government to continue to provide information on the activities carried out by the IACAT, including on its collaboration with other law enforcement bodies, and on the number of investigations and prosecutions carried out in cases of trafficking for the purpose of labour or sexual exploitation, and on the number of convictions handed down and penalties imposed.***

3. *Complicity of law enforcement officials in trafficking activities.* In response to its previous comments, the Committee notes the Government's information regarding the approval by the IACAT, on 24 April 2023, of the Guidelines on the Investigation, Reporting and Monitoring of Trafficking in Persons Cases Facilitated by Corruption (Anti-Corruption Guidelines), which will aid all national government agencies, local government units, law enforcement agencies and non-governmental organizations in the investigation, reporting and monitoring of corruption-related trafficking in persons cases. These Guidelines aim to hold corrupt public officials and employees accountable for their participation, directly or indirectly, in the crime of trafficking in persons. The Government also indicates that in order to curb the involvement of officials in trafficking in persons, the Bureau of Immigration undertook several immediate interventions such as: (i) issuing show cause orders against immigration officers; (ii) reassigning and transferring immigration officers involved in trafficking of persons; (iii) implementing system-based counter assignments which eliminated human intervention in the assignment of duties to immigration officials; and (iv) coordinating and re-establishing the IACAT Task Forces in all international airports. The Committee further notes from the Government's report that from 2020 to 2023, eight Government officials, including a Baranguay Captain, a Staff Sergeant, a Mayor, four police officers and a teacher were convicted for offences related to trafficking in persons. In addition, a total of 233 administrative investigations into the possible involvement of immigration officials in trafficking in persons are pending before the Bureau of Immigration. ***The Committee requests the Government to continue to take proactive measures to ensure that investigations are duly conducted in cases of corruption and complicity of law enforcement officials, and that appropriate penalties are imposed. The Committee requests the Government to continue to provide detailed information on the***

measures implemented for this purpose, and updated information on the number of cases registered and prosecuted, as well as the penalties imposed.

4. *Protection and assistance to victims.* Following its previous comments, the Committee notes the Government's information that from 2022 to the first semester of 2023, a total of 3,192 victims of trafficking benefited from the Recovery and Reintegration Program for Trafficked Persons (RRPTP), through the provision of psychosocial, medical, legal and other support services. It notes that since the implementation of the RRPTP, a total of 17,848 victims of trafficking have been assisted, 21 per cent of whom were minors. In addition, 322 victims were provided temporary shelter in residential care facilities. The Government indicates that a new facility, *Tahanan ng Inyong Pag-asa* (TIP) Center was established in December 2020, which serves as a temporary shelter for rescued victims of trafficking. The TIP Center assisted 482 potential victims of trafficking, of whom 83 were minors. From 2020 to 2021, the IACAT Operations Center (OpCen) provided witness location and security assistance to 135 witnesses (17 minors) to testify in Court, and provided transportation and security assistance to 242 trafficked victims, 81 of whom were minors, and ensured their attendance at case conference or trial. The Government further indicates that in 2023 the RRPTP had funds allocated to assist victims of trafficking who are returning or returned home; families and relatives of the victims of trafficking; witnesses of cases of trafficking in persons; and communities with an incidence of trafficking. ***The Committee requests the Government to continue to take the necessary measures to ensure that appropriate protection and assistance are provided to victims of trafficking, including measures to ensure early identification and referral of victims of trafficking. It requests the Government to continue to provide information in this regard, including on procedures aimed at allocating funds for assistance to victims, and to indicate the manner in which these resources are used. Lastly, it requests the Government to continue to provide statistical information on the number of victims of trafficking who have been identified and assisted, as well as those who have benefited from RRPTP services***.

Articles 1(1) and 2(1). Vulnerable situation of migrant workers with regard to the exaction of forced labour. Following its previous comments, the Committee notes the Government's information that, pursuant to the adoption of the Republic Act No. 11641 of 2021, the Department of Migrant Workers (DMW) was established to strengthen and streamline the delivery of services to migrant workers, and to address both their long-standing and emerging concerns throughout the full cycle of migration, from pre-employment up to their return and reintegration. The DMW offers services, such as: (i) protection against illegal recruitment and trafficking; (ii) a digitalization programme that aims to shorten the cycle time of frontline services; (iii) negotiation of bilateral agreements; (iv) engagement with stakeholders, both domestic and foreign; (v) conducting of advanced, strategic and up-to-date studies and research on global migration and development trends; (vi) the National Reintegration Programme; and (vii) One-Repatriation Command Center (ORCC), a centralized system to respond to requests for intervention and repatriation of overseas Filipino workers (OFWs). The Government also indicates that the DMW took over the operation of the OFW Hospital in January 2023 and has provided medical services to more than 11,000 patients. The OFW Help Hotline, which provides assistance all day every day of the week for all migrant workers, has been made available by the Philippine Foreign Service Posts, the Department of Foreign Affairs and the Office of the Undersecretary for Migrant Workers Affairs (DFA-OUMWA).

The Government also indicates that the 2015 Guidelines on Departure Formalities for International-bound Filipino passengers were revised in June 2023, thereby strengthening passenger screening procedures at the country's ports of exit. Accordingly, a total of 30,043 passengers were referred to the Travel Control Enforcement Unit of the Bureau of Immigration for secondary inspection, and 39 per cent of them were denied permission to depart due to fake travel documents or being tagged as tourist workers. The Government further indicates that it has concluded bilateral agreements on recruitment and labour protection with several countries including, the Russian Federation, Canada, Taiwan, Trinidad and Tobago and the Republic of Korea.

The Committee notes that CEDAW, in its concluding observations of 2023, expressed concern that a significant number of women OFWs are exploited in domestic work and prostitution. Moreover, the United Nations Committee on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW), in its concluding observations of 2023, expressed concern at the persistently high number of complaints made by OFWs, and disproportionately, by women domestic migrant workers in Gulf States, on issues related to non-payment of wages or illegal deductions, insufficient food and rest periods, allegations of physical, psychological and verbal abuse, including sexual abuse, and extreme violence that has even led to death (CMW/C/PHL/CO/3). ***The Committee requests the Government to strengthen its efforts to protect migrant workers, including overseas women workers against abusive practices and to ensure that they are not placed in a position of accrued vulnerability to forced labour through the implementation of the various measures initiated by the Government and the DMW for the protection of migrant workers. It requests the Government to continue providing information on the measures taken in this regard, including information on international cooperation efforts undertaken to protect and support migrant workers in transit and destination countries, and the results achieved in terms of the number of migrant workers who have been prevented from entering into and withdrawn from forced labour situations and assisted. Lastly, it requests the Government to provide information on the number of complaints or reports received by the DMW on behalf of migrant workers who are victims of abusive practices, as well as the number of violations detected and sanctions imposed.***

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1960)

Previous comment

Article 1(a) of the Convention. Punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. In its previous comments, the Committee noted the Government's information that sections 142 (inciting to sedition by means of speeches, proclamations, writings or emblems; uttering seditious words or speeches; writing, publishing or circulating scurrilous libels against the Government) and 154 (publishing any false news which may endanger the public order or cause damage to the interest or credit of the State, by means of printing, lithography or any other means of publication) of the revised Penal Code do not provide for a penalty of forced labour but rather for penalties of detention: *prision correccional* and *arresto mayor*. The Committee observed that the above-mentioned provisions are worded in terms broad enough to lend themselves to be applied as a means of punishment for the peaceful expression of views, enforceable with sanctions involving compulsory prison labour under Chapter 2, section 2, of the Bureau of Corrections manual. It also noted with regret that under section 4(c)(4) of the Cybercrime Prevention Act, libel may be punishable by a prison sentence involving compulsory prison labour.

The Committee notes the Government's statement in its report that legal provisions such as sections 142 and 154 of the Revised Penal Code, along with section 4(c)(4) of the Anti-Cyber Crime Law, are designed to strike a balance between the protection of individual freedoms and the maintenance of a stable and secure society. The Government states that although crimes against national security and public order are punishable by administrative and penal sanctions, the Presidential Committee on the Grant of Bail, Release and Pardon (PCBRep) has been established to review cases involving individuals convicted for crimes against national security and public order. This mechanism allows for a careful consideration of individual cases and the possibility of releasing political offenders through presidential pardon.

The Committee also notes that the offences under sections 142 and 154 of the Revised Penal Code and section 4(c)(4) of the Anti-Cyber Crime Law (read in conjunction with section 355 (Libel) of the Revised Penal Code) shall be punishable with penalties involving *prision correccional* or *arresto mayor* either with or without fines. ***The Committee requests the Government to take the necessary measures to repeal or amend the above-mentioned provisions in order to ensure that no prison sentence entailing compulsory labour can be imposed on persons who, without using or advocating violence, express***

certain political views or opposition to the established political, social or economic system. The Committee further requests the Government to provide information on the application in practice of sections 142 and 154 of the Revised Penal Code and section 4(c)(4) of the Anti-Cyber Crime Law. Lastly, it requests the Government to provide examples of cases where political offenders convicted for crimes against national security and public order have been released by the Presidential Committee on the Grant of Bail, Release and Pardon.

Article 1(d). Punishment for having participated in strikes. Over a certain number of years, the Committee has been drawing the Government's attention to section 263(g) of the Labor Code, under which in the event of a planned or current strike in an industry considered indispensable to the national interest, the Secretary of Labor and Employment may assume jurisdiction over the dispute and settle it or certify it for compulsory arbitration. Declaration of a strike after such "assumption of jurisdiction" or submission to compulsory arbitration is prohibited (section 264). Observing that pursuant to sections 272(a) and 264 of the Labour Code and 146 of the Penal Code, participation in illegal strikes is punishable with imprisonment that involves compulsory prison labour, the Committee requested the Government to take the necessary measures to amend the above-mentioned provisions so as to ensure that penalties of imprisonment (involving compulsory labour) cannot be imposed for the mere fact of persons peacefully participating in strikes.

The Committee notes that as per the revised and consolidated Labour Code of 2022, sections 263(g), 264 and 272(a) have been renumbered to sections 278(g), 279 and 287(a), respectively. In this regard the Committee notes that, according to section 287(a) of the revised Labour Code, the declaration of a strike without having first bargained collectively, or after assumption of jurisdiction pursuant to section 279, shall be punishable with a fine and/or imprisonment for not more than three years. It also notes that according to section 146 of the Revised Penal Code, penalties of *prision correccional* or *prision mayor* shall be imposed upon organizers or leaders of any meeting attended by armed persons for committing crimes under this Code, and that mere participation in an unarmed assembly or strike shall suffer the penalty of *arresto mayor*. The Committee further notes the Government's reference to section 281 of the Labour Code which states that, except on grounds of national security and public peace or in case of a commission of a crime, no union members or union organizers may be arrested or detained for union activities without previous consultations with the Secretary of Labour. The Committee notes that the Government indicates that several labour relations Bills have been filed and are now pending before the House of Representatives' Committee on Labour and Employment. It refers to: (i) House Bill No. 7043, an Act for strengthening and protecting workers' right to strike and to eliminate dismissal and imprisonment as penalties for union officers engaging in illegal strikes; (ii) House Bill No. 7096, an Act repealing the provisions on assumption of jurisdiction under section 278(g) of the Labour Code; and (iii) House Bill No. 5536, an Act proposing the adoption of "essential services" criteria for the exercise of assumption of jurisdiction. ***The Committee expresses the firm hope that the Government will take the necessary measures to ensure that House Bills Nos 7096 and 5536 and in particular House Bill No. 7043, which aim to remove penalties of imprisonment for engaging in illegal strikes, will be adopted in the near future. It requests the Government to provide information on any progress made in this regard. The Committee also requests the Government to provide information on all court decisions issued under sections 279 and 287(a) of the Labour Code, as well as section 146 of the revised Penal Code, in order to assess their application in practice, indicating in particular the facts that gave rise to the conviction, and the penalties applied.***

The Committee is raising other matters in a request addressed directly to the Government.

Qatar

Forced Labour Convention, 1930 (No. 29) (ratification: 1998)

Previous comment

The Committee notes that the technical cooperation programme between the Government of Qatar and the ILO continues to be implemented. In this regard, the Committee notes the progress reports on the technical cooperation programme, published annually by the ILO Project Office for the State of Qatar, and in particular those published in the past three years (2021, 2022 and 2023 progress reports). Furthermore, as part of the technical cooperation programme, the Ministry of Labour (MoL) and the ILO have initiated a study to assess the impact of the *kafala* reforms, expected to be completed in 2024. ***The Committee requests the Government to provide the results of the 2024 study assessing the impact of the* kafala *reforms, and on any policy or other measure adopted as a result.***

Articles 1(1) and 2(1) of the Convention. 1. *Vulnerable situation of migrant workers to conditions of forced labour.* (i) *Contractual system replacing* kafala*. Migrant workers in the private sector.* The Committee recalls that Decree No. 19 and Ministerial Decision No. 51 of 2020 have removed the legal requirement for migrant workers to obtain a no-objection certificate from their employers to change jobs. It further recalls that Decree No. 18 of 2020 introduced legal provisions governing termination of employment with only a requirement of notification, the duration of which (one or two months) depends on the moment of termination (during or after probation) and on the number of years of employment. In this regard, the Committee notes the Government's information, in its report, that to implement these changes, the MoL created an electronic notification service, the employment change (EC) platform, which is becoming fully automated to minimize interference.

The Committee further notes, from the 2023 progress report, that from September 2020 to October 2023, the MoL received 1,037,644 job change applications, approving 669,198 and rejecting 364,053. Rejections were mainly due to non-compliance by new employers, submission errors, or workers cancelling applications. In 2023, 167,048 men and 25,295 women had their applications approved, with the most changes occurring in the construction sector. Women's job changes matched their workforce proportion of 15 per cent.

The Committee notes, however, from the concern expressed by the United Nations Committee on Economic, Social and Cultural Rights (CESCR), in its concluding observations of 2023 (E/C.12/QAT/CO/1), as well as from the 2022 and 2023 progress reports, that migrant workers, in particular low-wage earners in the construction, service and domestic work sectors, are still facing challenges when attempting to change jobs. According to the progress reports, such challenges include:

- Employer retaliation against workers who wish to change jobs by cancelling their residency permits (QIDs) or filing false absconding charges against them: the Government has taken measures to tackle this issue through the linkage of the electronic systems of the MoL and Ministry of Interior (MoI) to prevent employers from taking such action after a worker has submitted their application through the MoL's electronic system or if the worker has an ongoing labour complaint with the MoL. The process for a worker to have their QID reactivated is also being revised to make it more accessible and efficient for workers, and to make the QID secure for six months once reactivated. Moreover, to curb misuse of the absconding report system, the MoI introduced procedural changes, according to which an employer reporting an absconding case must now provide additional and accurate data, under threat of penalty.
- The predominant discourse that still exists among workers and employers on the need for a no-objection certificate: even though this is not required by law or by the EC system, a no-objection certificate is still required in practice for many job applications. In this regard, communication material on the labour mobility legislation was produced in 12 languages and disseminated through various channels.

The Committee welcomes the efforts made by the Government and requests it to continue taking measures to ensure the effective implementation of migrant workers' rights to transfer or terminate jobs with notice. It requests the Government to continue to provide disaggregated information on the number of employment transfers and termination of employment contracts that have taken place, as well as on the number of transfer requests that have been refused and the reasons for such refusals.

It also requests the Government to continue providing information on the measures taken to address the particular challenges still faced by migrant workers to transfer jobs, including on: (i) cases of retaliation by employers and the continued requirement of no-objection certificates by employers; and (ii) any cases of penalties applied to employers for false absconding charges.

(ii) *Procedure for issuing exit visas.* Following its previous comments, the Committee notes, from the 2023 progress report, that in the application of Act No. 13 of 2018 and Ministerial Decision No. 95 of 2019, giving the right to migrant workers to leave the country without prior approval from their employers, there were 45,690 requests for exit permits as of 15 October 2022, and 13,282 requests for exit permits between 1 January and 31 October 2023. ***The Committee requests the Government to indicate how many requests for exit permits have been effectively granted, indicating the number and category of workers, including the number of exit permits granted to domestic workers.***

(iii) *Recruitment process and contract substitution.* The Committee previously took note of the establishment of the electronic contract system for all migrant workers (including domestic workers). Migrant workers must sign their contract electronically in a Qatar Visa Centre (QVC) from the labour-sending country before coming to Qatar, therefore allowing the worker to read the contract in his/her native language, giving him/her a better chance to understand the contract and negotiate its terms if he/she is not satisfied with any of the terms included therein. The Committee notes the Government's detailed information on the measures taken to further enhance employment and recruitment practices through legislative reforms and initiatives aimed at preventing recruitment fees and regulating recruitment agencies, so that recruitment is carried out through licensed companies that protect the rights of all migrant workers. For instance, in 2021 the ILO, the MoL, and the MoI conducted three two-day training sessions on workers' rights for staff at 14 QVCs. The Committee also takes note of the training programmes for licensed recruitment agencies that were developed with a focus on decent work for domestic workers, in coordination with the Philippine Overseas Labor Office (POLO), the International Domestic Workers Federation (IDWF), and the ILO. Furthermore, the Government has taken measures to develop tools and raise awareness in the construction and hotel sectors, including the implementation of a capacity-building strategy involving workers' groups and the MoL to share knowledge, develop best practices, and launch new recruitment and employment guidelines for Qatar's hotel sector.

Moreover, according to the progress reports, the MoL revoked the licences of 54 recruitment agencies in 2022 and four in 2023. The Committee notes in this regard that an assessment of the licensing and monitoring system for recruitment agencies was completed in July 2023 by the MoL and the ILO. This assessment reviewed policies, operating procedures and enforcement mechanisms. The third phase of the technical cooperation programme will continue developing a comprehensive inspection framework with standardized tools and guidelines, as well as building inspectors' capacity.

The Committee welcomes these measures, but notes that challenges remain with regard to recruitment practices. According to a study by the International Trade Union Confederation (ITUC) of 2023 focusing on the recruitment of Nepalese workers, workers continue to pay high recruitment costs (with 99 per cent of workers surveyed having paid recruitment fees to work in Qatar) and, despite gains, migrant workers continue to be deceived about their jobs and salaries. Moreover, while 82 per cent of the workers surveyed indicated that they would work in Qatar again, less than a third of the respondents said they would use the same agency for future recruitment processes, while 72 per cent would not use the same agency again.

The Committee accordingly requests the Government to pursue and strengthen its efforts to ensure that recruitment fees are not charged to migrant workers. It also requests the Government to continue to take measures to ensure the effective implementation of the electronic contract system so that migrant workers are recruited through fair and decent practices and, therefore, are not deceived about their jobs and salaries, once in Qatar. To this end, it requests the Government to continue providing information on the monitoring of recruitment agencies, including the measures taken to strengthen the inspection of agencies and the number of violations committed by agencies concerning recruitment practices, and penalties imposed as a result. The Committee also requests the Government to provide the results of the 2023 assessment of the licensing and monitoring system for recruitment agencies.

(iv) *Late payment and non-payment of wages.* The Committee welcomes the adoption, in March 2021, of Qatar's first non-discriminatory minimum wage, which applies to all workers regardless of nationality and occupation, including domestic workers. Moreover, the Committee notes the Government's information that the Ministry of Labour continues to ensure the implementation of the Wage Protection System (WPS), in which more than 1.66 million workers are registered. The system now includes allowances for food, housing and overtime pay, enhancing clarity and transparency in wage calculations, and detecting payments below the minimum wage. The Government further indicates that, to complement an initiative by the MoL and the Qatar Central Bank to facilitate the opening of bank accounts for domestic workers, a system similar to the WPS is being considered for domestic workers.

The Committee notes, in addition, the concern expressed by the CESCR, in its 2023 concluding observations, that migrant workers frequently experience non-payment or delayed payment of wages (E/C.12/QAT/CO/1). In this regard, the Committee notes from the 2023 progress report, that a block is automatically imposed on the relevant company when the WPS detects that a worker has not been paid or has been paid less than the minimum wage and the MoL will communicate with the company to obtain additional information. If the violation is confirmed and not immediately rectified, a violation notice is issued. There were 3,102 such violation notices issued in 2021, 7,769 in 2022, and 2,927 up to August 2023. The 2023 progress report also indicates that a legislative amendment is being considered to automatically issue fines in case of non-payment of wages. The Committee observes, however, that, according to the 2021 and 2022 progress reports, the main causes of complaints concerned non-payment of wages and end-of-service benefits.

The Committee requests the Government to strengthen its efforts to ensure timely payment of wages to migrant workers and to promptly address any detected violations, ensuring that affected workers receive their due wages without delay. The Committee encourages the Government to sustain its efforts in effectively implementing the WPS and to impose appropriate penalties on companies that delay or fail to pay workers' wages and dues.

(v) *Labour inspection.* The Committee notes, from the 2022 and 2023 progress reports, that between October 2021 and October 2022, 19,978 worksites/facilities and 3,406 residential units were inspected, leading to the detection of 7,389 violations in workplaces and 1,427 violations in residential units. Up until September 2023, the MoL's Labour Inspection Department inspected 22,770 companies, 2,493 accommodation sites and 14,795 worksites. The Committee notes that the technical cooperation programme has continued to support the training programme with the MoL's Labour Inspection Department. ***While noting the measures taken by the Government, the Committee requests it to provide information on the number and nature of cases where the Labour Inspection Department has identified violations that could amount to situations of forced labour, and that were subsequently referred to the appropriate law enforcement authorities. It also requests the Government to provide information on any training given to the Labour Inspection Department that relates to the detection and referral of forced labour practices.***

(vi) *Access to justice.* Following its previous comments, the Committee takes note of the detailed information in the Government's report on the measures taken to enhance the complaint and labour dispute resolution mechanism. These include facilitating methods to lodge complaints by using accessible means, such as the 24/7 hotline or other smart applications and the "Amerni" mobile application. The MoL also recently launched the Unified Platform for Complaints and Whistleblowers to enable employees and workers in the private sector and domestic workers to file complaints digitally.

The Government is also taking measures to improve the efficiency of the complaints and dispute resolution process. In addition to the MoL's extensive digital transformation plan, the Government indicates that the MoL has established a new department, tasked with reviewing complaints that escalate from the settlement stage to litigation in order to ensure that all pending cases are processed. The MoL is also working on increasing the number of labour dispute settlement committees (DSCs) in order to address the rising number of labour disputes, ensure ease of access for workers to their rights and speed up litigation procedures. According to the 2023 progress report, the number of DSCs increased from three to five in October 2022. Furthermore, the MoL conducts regular comprehensive assessments of labour complaint mechanisms, the settlement process and the DSCs.

The Committee notes, from the 2023 progress report, that 31,549 complaints were lodged in 2022 and 24,862 up to 31 October 2023. In 2022, 227 anonymous complaints were also lodged through the whistle-blower channel. The Committee further notes the statistics shared by the Government, according to which between 1 January 2020 and 31 August 2023, 24,618 cases were referred to DSCs, 12,122 decisions were issued by DSCs, and 17,914 decisions were being processed. As regards the enforcement of these decisions, the Committee notes that a bureau in charge of enforcing the DSC decisions has been established at the Ministry's headquarters to expedite and complete judicial paperwork on the spot, and to ensure the prompt enforcement of decisions delivered electronically, such as the seizure of company assets and property.

The Committee encourages the Government to pursue its efforts to facilitate the access of migrant workers to the labour disputes settlement committees (DSCs). It requests the Government to continue providing information on the number and nature of complaints by migrant workers who have had recourse to the DSCs, on their outcomes in terms of penalties and reparations, including cases of seizures of company assets and property. Moreover, it requests the Government to provide information on: (i) the average period of time elapsed from the moment of lodging the complaint until the rendering of the decision by the DSCs; and (ii) the effectiveness of the monitoring and follow-up of the conciliation and DSC decisions.

2. *Migrant domestic workers.* Following its previous comments on Act No. 15 of 2017 for migrant domestic workers and the model contract approved by the MoL in September 2017, the Committee notes that the MoL adopted a revised standard employment contract for domestic workers in 2021. This new contract aligns domestic workers' rights with those of other private sector workers concerning overtime, termination and sick leave. The Committee notes, from the 2023 progress report, that the QVCs in Bangladesh, India, Nepal, Pakistan, Philippines and Sri Lanka are now processing applications from domestic migrant workers coming to Qatar using the 2021 standard employment contract. Moreover, the digital contract certification system approved by the MoL will be expanded to include the possibility of digital certification of amended employment contracts for domestic workers. The Committee notes in this regard the Government's indication that 117,435 domestic workers were registered in the established electronic contract system.

The Committee also notes the Government's detailed information on the measures to which domestic workers continue to have access, and their awareness of the complaints mechanism (see below). For instance, more than 20 information sessions and workshops with domestic workers were organized focusing on Law No. 15 of 2017, the standard employment contract, complaint mechanisms, changing of jobs and occupational safety and health; various panel discussions were held with

stakeholders, such as representatives from the domestic workers' community, the International Domestic Workers Federation (IDWF), the MoL and the MoI, highlighting the impact of the labour reforms on domestic workers and the role of employers in promoting decent work for this category of workers; and two booklets were published aimed respectively at domestic workers (in 12 languages) and employers (in 2 languages), to educate them about their rights and obligations in accordance with the law, in partnership with non-governmental organizations.

The Committee further notes that, apart from the Unified Platform for Complaints and Whistleblowers, which is also accessible to domestic workers electronically, the MoL established a special department to receive complaints by domestic workers and resolve them. The Committee notes in this regard the statistics shared by the Government regarding the number of complaints received from domestic workers from 2021 to August 2023 (a total of 2,571); the number of cases resolved (2,169); and the number of cases that were under review (145). According to the statistics included in the 2023 progress report, between 2021 and October 2023, there were 2,666 complaints lodged. In 2021, 83 per cent of complaints were settled and 16 per cent were sent to DSCs. In 2022, 89 per cent of complaints were settled and 9 per cent were sent to DSCs. In 2023, 82.4 of complaints per cent were settled while 6.8 per cent were sent to DSCs.

Furthermore, the Committee notes the concern expressed by the United Nations Human Rights Committee, in its 2022 concluding observations, that the reported cases of abuse against migrant workers, in particular domestic workers, are under-represented owing to fear of reprisal from the employer and the risk of being accused of leaving the workplace without permission ("absconding") and then of being detained or deported (CCPR/C/QAT/C0/1). In addition, the CESCR, in its 2023 concluding observations, expressed concern about reports that many domestic workers continue to be subjected to abusive working conditions, including excessive working hours with no rest and no days off, passport and mobile phone confiscation and, in some cases, physical, verbal or sexual assault (E/C.12/QAT/CO/13).

While noting the measures taken by the Government, the Committee requests it to pursue its efforts to protect migrant domestic workers from abusive working conditions, in some instances in circumstances tantamount to forced labour. In this regard, the Committee requests the Government to: (i) ensure the effective implementation of the 2021 standard employment contract and the identification of cases of exploitation through effective monitoring, including by the labour inspectorate; and (ii) pursue its measures aiming to facilitate the access of migrant domestic workers to the complaints mechanisms and to ensure that their complaints are treated promptly. The Committee requests the Government to continue to provide information in this regard, as well as on the number of migrant domestic workers registered in the electronic contract system. The Committee requests the Government to provide information on the number and nature of complaints filed by migrant domestic workers and the outcome of such complaints, including the penalties applied to employers. It also requests the Government to indicate the measures taken or envisaged to ensure the protection of migrant domestic workers from employer reprisals or false absconding charges.

Article 25. Imposition of penalties. In its previous comments, the Committee took note of section 322 of the Penal Code, providing for punishment, by a fine or imprisonment of up to six months, for the crime of obliging somebody to work, with or without a salary. The Committee also took note of the number of cases of passport confiscation and non-payment of wages that were prosecuted by virtue of this provision, but observed that the penalties imposed consisted only of fines.

The Committee notes the Government's indication that efforts are being made to increase investigations into cases of forced labour and to convict more labour traffickers in comparison to previous years by the National Committee for Combating Human Trafficking (NCCHT), through the effective implementation of the provisions of Act No. 15 of 2011 on Combating Human Trafficking (as amended by Act No. 5 of 2020). The Committee observes with ***regret***, however, that the Government

provides no information on such investigations and convictions, either on violations such as passport retention or non-payment of wages, or on instances that have been identified and prosecuted as forced labour cases, other than those related to trafficking.

The Committee once again reminds the Government that, by virtue of *Article 25* of the Convention, the exaction of forced or compulsory labour shall be punishable as a *penal* offence, and the penalties imposed by law shall be adequate and strictly enforced. ***The Committee once again urges the Government to ensure that proactive investigations into cases and prosecutions of those suspected of exploitation amounting to forced labour are carried out, and that, in accordance with Article 25 of the Convention, dissuasive penalties are actually imposed on persons who exact forced labour from migrant workers. In this regard, it requests the Government to provide information on the measures taken to strengthen the capacities of the law enforcement bodies to identify and undertake investigations in cases where non-payment, underpayment, delayed payment of wages, passport confiscation or worker-paid recruitment fees are detected, to assess if the situation amounts to forced labour. The Committee once again requests the Government to continue to provide information on the judicial proceedings instigated, the number of judgments handed down in this regard, and the nature of the penalties applied.***

The Committee is raising other matters in a request directly addressed to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 2007)

Previous comment

Article 1(a) of the Convention. Penalties involving compulsory labour as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. The Committee recalls that sentences of imprisonment (which may involve hard labour by judicial decision, by virtue of section 61 of the Penal Code, and compulsory labour, by virtue of section 62 of the Penal Code) may be imposed under certain provisions of the national legislation in circumstances which are covered by *Article 1(a)* of the Convention, namely:

- section 115 of the Penal Code, which prohibits the dissemination of information or false statements on the country's domestic situation which damage the economy, the prestige of the State or national interests;
- section 134 of the Penal Code, which prohibits any open criticism or defamation of the Prince or his heir (punishable by life imprisonment);
- section 46 of Act No. 8 of 1979 on publications, which prohibits any criticism of the Prince or his heir, and section 47 of the same Act, which prohibits the publication of any defamatory documents on the president of an Arab or Muslim country or a friendly country, as well as documents prejudicial to the national currency or raising confusion concerning the economic situation of the country;
- sections 15 and 17 of Act No. 18 of 2004 on public meetings and demonstrations, which prohibit public assembly without prior authorization;
- section 6 of Act No. 14 of 2014 promulgating the Cybercrime Prevention Law, providing for a maximum of three years in prison or a fine of 500,000 Qatari riyal for anyone convicted of spreading "false news" on the internet or for posting online content that "violates social values or principles," or "insults or slanders others";
- sections 42 and 53 of Decree-Law No. 21 of 2020 on private associations and foundations, repealing Act No. 12 of 2004 concerning associations, but reprising sections 35 and 43 of Act No. 12 of 2004, which prohibit the creation of political associations and provide for a penalty of imprisonment not exceeding one year for any person who carries out an activity contrary to the purpose for which an association was created.

The Committee takes note of the Government's statement, in its report, that it carries out periodic reviews of all laws and legislation with a view to ensuring compliance with international standards. The Government also states that work of judicial detainees does not constitute forced labour, as it aims to develop prisoners in preparation for their integration into society as useful and productive members following their release. The Government therefore considers that this labour differs in its essence from the concept of "forced labour", which is strictly prohibited under national legislation. The Committee recalls, in this regard, that the Convention prohibits the imposition of any form of compulsory prison labour in the situations covered under *Article 1*, even when the work is imposed because of a conviction by a court of law and is designed for rehabilitation purposes.

Moreover, the Committee takes note of the concern expressed by the United Nations Human Rights Committee, in its 2022 concluding observations, about broad and vague provisions contained in Act No. 2 of 2020 amending the Criminal Code, under which punishment of up to five years of prison can be imposed for the dissemination of rumours or false news (CCPR/C/QAT/CO/1). The Committee observes that this refers to new section 136 *bis,* which authorizes the imprisonment of "anyone who broadcasts, publishes or republishes false or biased rumours, statements or news, or inflammatory propaganda, domestically or abroad with the intent to harm national interests, stir up public opinion, or infringe on the social system or the public system of the state".

The Committee also takes note of the concern expressed by the United Nations Committee on the Elimination of Racial Discrimination (CERD), in its 2024 concluding observations, about reports that journalists, bloggers and human rights defenders who have published information on the situation of migrant workers in Qatar and other related issues have been detained, arrested or deported on the basis of broad and vague legal provisions such as the dissemination of rumours or false news, or the posting online of content that violates social values or principles or spreading false information on the Internet (CERD/C/QAT/CO/22-23).

The Committee therefore urges the Government to take the necessary measures to amend the above-mentioned provisions of the legislation so as to ensure that, in law and in practice, no penalties involving compulsory labour shall be imposed on any person as a punishment for acts through which they express political views or views ideologically opposed to the established political, social or economic system. The Committee requests the Government to provide information on the progress made in this regard. Pending the adoption of such measures, the Committee requests the Government to provide information on the application in practice of the above-mentioned provisions, including information on prosecutions and penalties applied, as well as on the facts that led to the convictions.

Russian Federation

Forced Labour Convention, 1930 (No. 29) (ratification: 1956)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2019)

Previous comment

The Committee welcomes the ratification by the Russian Federation of the Protocol of 2014 to the Forced Labour Convention, 1930. ***Noting that the first report of the Government has not been received, the Committee hopes that the Government will provide detailed information on its application, in accordance with the report form adopted by the Governing Body.***

The Committee notes the observations of the Confederation of Labour of Russia (KTR) communicated with the Government's report.

Articles 1(2) and 2(1) of the Convention. Vulnerable situation of migrant workers to the exaction of forced labour. The Committee notes with ***regret*** that the Government has not provided specific information as regards the allegations concerning the increased risk of falling into forced labour faced by migrant

workers from neighbouring countries and the lack of effective action from the law enforcement bodies to put an end to practices of labour exploitation. The Committee further notes that in its 2023 concluding observations, the United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed remaining concern that migrant workers, particularly from Central Asia and the Caucasus, still face harsh working conditions, abuse and exploitation and are subjected to discrimination in employment. (CERD/C/RUS/CO/25-26).

The Committee requests the Government to take measures to prevent migrant workers from being caught in abusive practices and conditions of work that could amount to forced labour and to ensure the effective and adequate protection of migrant workers who are victims of forced labour. The Committee requests the Government to provide specific information on the measures taken in this respect and the results achieved. The Committee also requests the Government to indicate the measures taken to strengthen the capacity of law enforcement bodies to identify and proactively investigate cases of labour exploitation and to provide information on prosecutions initiated, convictions and specific penalties imposed on perpetrators under section 127.2 (use of slave labour) of the Penal Code or any other relevant penal provision.

Article 2(2)(c). Prison labour. The Committee previously requested the Government to take the necessary measures to ensure that work carried out by convicts for private enterprises under sanctions involving compulsory labour, including deprivation of liberty or compulsory work, is only permitted with the free, informed and formal consent of the convicts concerned. The Committee notes with ***regret*** the absence in the Government's report of new information in this respect. The Committee notes the Government's indication that as of 1 May 2023, the average number of convicts sentenced to deprivation of liberty and engaged in paid work at the facilities of third-party organizations was 8,200. As of 1 July 2023, more than 23,000 convicts sentenced to compulsory work were employed in 1,700 organizations, engaged in construction, food production, agriculture and other areas. The Government indicates that the administration of correctional institutions ensures the supervision of convicts. The Government further refers to *Article 2(2)(c)* of the Convention, under which work exacted from a person as a consequence of a conviction in a court of law and carried out under the supervision and control of a public authority, shall not be included under the definition of forced labour.

The Committee recalls, in this regard, that *Article 2(2)(c)* of the Convention sets out two conditions that apply cumulatively: the fact that the prisoner remains at all times under the supervision and control of a public authority does not in itself dispense the government from fulfilling the second condition, namely that the person is not hired to or placed at the disposal of private individuals, companies or associations. If either of the two conditions is not observed, the situation is not excluded from the scope of the Convention (see the 2007 General Survey on the eradication of forced labour, paragraph 55). The Committee further recalls that the work of prisoners for private companies is only compatible with the Convention where it does not involve compulsory labour, which requires the formal, freely given and informed consent of the persons concerned. In this regard, the Committee notes that the KTR, in its observations, expresses concern about the increased use of prison labour by private enterprises.

Noting that the legislation allows work to be carried out for private enterprises by convicts sentenced to deprivation of liberty or compulsory work, the Committee once again strongly requests the Government to take the necessary measures to ensure that this work is only permitted with the free, formal and informed consent of the convicts concerned, without being subjected to pressure or the menace of any penalty, including the loss of rights or privileges. The Committee requests the Government to continue to provide information on the number of convicts working for private enterprises and the nature of those enterprises, as well as on the manner in which the free, formal and informed consent of these convicts is given.

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1998)

Previous comment

Article 1(a) of the Convention. Sanctions involving the obligation to work as a punishment for the expression of political views or views ideologically opposed to the established political, social or economic system. Act of 2002 on Combating Extremism, No. 114-FZ, and the Penal Code. The Committee previously noted that the extremism-related offences provided for in sections 280 (public appeal to perform extremist activities), 282.1 (establishment of an extremist group) and 282.2 (organization of activities of an extremist group) of the Penal Code, in conjunction with the Act of 2002 on Combating Extremism, No. 114-FZ, are punishable with, among other things, penalties involving compulsory labour, including penalties of deprivation of liberty or sentences of compulsory work.

The Committee notes the Government's indication in its report that courts impose sanctions for committing acts of an extremist nature depending on their gravity. The Committee also notes that the United Nations Human Rights Committee, in its 2022 concluding observations, expressed concern about the frequent use of the Act of 2002 on Combating Extremism, No. 114-FZ, to target political opponents, human rights defenders, journalists, religious communities, artists and lawyers to limit civic space, including freedom of expression (CCPR/C/RUS/CO/8).

The Committee further notes the introduction by the Federal Act of 4 March 2022, No. 32-FZ, of the following sections into the Penal Code, which establish sanctions involving compulsory labour:

- section 207.3 (public dissemination of knowingly false information about the armed forces of the Russian Federation; the exercise of powers by the state bodies; the provision by volunteer formations, organizations or persons of assistance in the performance of tasks assigned to the armed forces of the Russian Federation);
- section 280.3 (public actions aimed at discrediting the use of the armed forces of the Russian Federation to protect the interests of the Russian Federation and its citizens, to maintain international peace and security; the exercise of powers by the state bodies; the provision by volunteer formations, organizations or persons of assistance in the performance of tasks assigned to the armed forces of the Russian Federation).

In this respect, the Committee notes that the United Nations Special Rapporteur on the situation of human rights in the Russian Federation, in her 2023 report, noted the broad, vague and imprecise wording of section 207.3 of the Penal Code and disproportionate prison sentences for the legitimate exercise of the right to freedom of expression (A/HRC/54/54). The Committee further notes that the United Nations Working Group on Arbitrary Detention, in its opinion No. 78/2022, concluded that the detention of a human rights defender sentenced to deprivation of liberty under section 207.3 of the Penal Code was arbitrary (A/HRC/WGAD/2022/78). In another opinion No.76/2023, the United Nations Working Group on Arbitrary Detention noted the vague and overly broad provisions of section 280.3 of the Penal Code and concluded that deprivation of liberty of a person convicted under that section was arbitrary (A/HRC/WGAD/2023/76). Moreover, the United Nations Human Rights Committee requested the Government to repeal sections 207.3 and 280.3 of the Penal Code, which unduly restrict freedom of expression (CCPR/C/RUS/CO/8).

The Committee recalls that the underlying rationale of *Article 1(a)* of the Convention is to protect persons who, in the exercise of the right to freedom of expression or other related civil liberties, express political views or views ideologically opposed to the established political, social or economic system, by establishing that they cannot be punished by sanctions involving an obligation to work. The Committee has previously pointed to situations in which restrictions to these rights and liberties are justified and do not fall within the purview of *Article 1(a)*; for example, situations where the expression of views opposed to the established system take place through recourse to violence or incitement to violence are outside the scope of the protection granted by the Convention. The Committee has also recalled

that, as recognized by universal and regional human rights bodies, any restriction to the rights of freedom of expression and assembly should meet the requirements of legality, necessity and proportionality (2023 general observation on Convention No. 105).

The Committee notes with ***deep concern*** the use of various provisions of the national legislation to prosecute and convict persons who express opinions and views ideologically opposed to the established political, social or economic system, which have led or may lead to the imposition of sanctions involving compulsory labour. ***The Committee strongly urges the Government to take immediate and effective measures, both in law and practice, to ensure that no one who expresses political opinions or views ideologically opposed to the established political, social or economic system, can be sentenced with sanctions involving compulsory labour. The Committee particularly urges the Government to take the necessary measures: (i) to ensure that the provisions of the Penal Code punishing extremism-related offences are applied in such a manner that no penalty involving compulsory labour can be imposed on persons who peacefully express political views or views ideologically opposed to the established political, social or economic system; and (ii) to amend sections 207.3 and 280.3 of the Penal Code by clearly restricting the scope of these provisions to effective and concrete threats to public order, or the use or threatened use of violence, or by repealing sanctions involving compulsory labour, such as the sanctions of deprivation of liberty and compulsory work. Lastly, the Committee urges the Government to ensure the immediate release of any person convicted to sentences entailing compulsory labour, for peacefully expressing political views or opposing the established political, social or economic system.***

Federal Act No. 65-FZ of 8 June 2012 amending Federal Act No. 54-FZ of 9 June 2004 on assemblies, meetings, demonstrations, marches and picketing, and the Code on Administrative Offences. Following its previous comments, the Committee notes with ***deep regret*** the absence of specific information on the application in practice of sections 20.2 (violation of the established procedure for organizing or holding an assembly, rally, demonstration, march or picketing) and 20.18 (blocking transport communications) of the Code on Administrative Offences. The Committee also notes that the United Nations Special Rapporteur on the situation of human rights in the Russian Federation, in her 2023 report, indicated the widespread arrest and detention of largely peaceful protesters (A/HRC/54/54). Moreover, in their joint communication of 28 March 2022, the United Nations independent human rights experts expressed concern about the reports of arrests and the detention of thousands of protesters for the legitimate exercise of their right to freedom of expression and of peaceful assembly (AL RUS 3/2022).

The Committee requests the Government to ensure that the application in practice of sections 20.2 and 20.18 of the Code on Administrative Offences does not lead to the imposition of sanctions involving compulsory labour on protesters and human rights defenders who express their dissent or criticism of the authorities peacefully. The Committee further requests the Government to provide information on the application of sections 20.2 and 20.18 of the Code on Administrative Offences in practice, including any prosecutions brought or court decisions handed down, indicating the penalties imposed and the facts that led to convictions.

The Committee is raising other matters in a request addressed directly to the Government.

Saint Kitts and Nevis

Forced Labour Convention, 1930 (No. 29) (ratification: 2000)

Previous comment

Article 2(2)(c) of the Convention. Work exacted as a consequence of a conviction in a court of law. For a number of years, the Committee has observed that pursuant to section 193(1) of the Prison Act (Cap 19.08), prisoners are under the obligation to undertake useful work and, according to section 193(5), no prisoner shall, except in pursuance of special rules, be employed for the private

benefit of any person. The Committee noted the Government's indication that work done by prisoners for private parties included chopping down large trees, painting schools, cleaning yards and hanging street banners, and requested the Government to review the Prison Act to ensure that prisoners only undertake work or service for private persons or entities on a voluntary basis.

The Committee once again notes that the Government, in its report, continues to refer to the revision of the legislation by the National Tripartite Committee and observes the lack of progress made in this regard. ***The Committee requests the Government to indicate whether special rules have been adopted to authorize employment of convicted persons for the benefit of persons or private entities and if so the number of convicted persons authorized, the type of work performed and the nature of the beneficiaries of such work. The Committee urges the Government to review section 193(5) of the Prison Act (Cap 19.08), either by removing the possibility of adopting special rules for the employment of convicted persons by private entities, or by ensuring that any work or service performed by convicted prisoners for private persons is voluntary, which requires the formal, freely given and informed consent of the prisoners concerned.***

The Committee is raising other issues in a request addressed directly to the Government.

Samoa

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 2008)

Previous comment

Article 1(b) of the Convention. Mobilizing labour for purposes of economic development. The Committee previously noted that under sections 5(2)(b) and 5(2)(e) of the Village Fono Act 1990, as amended in 2017, every village *fono* (village council) has the power to direct any person or persons to do any work required to develop village land for the economic betterment of the village. The village *fono* may adopt village regulations or by-laws (*faiga fa'avae* or *i'ugafono)* in this regard, and the failure to obey these regulations or by-laws may be punishable with a fine, banishment or ostracism, or community work (sections 5(3) and 6 of the Village Fono Act 1990).

The Government indicates in its report that the introduction of village by-laws is intended to ensure that villagers are aware of the rules that regulate the way of life in the villages, for the benefit of the villages themselves. It emphasizes that the village *fono* is made up of a head of family (*Matai*) from each family in the village. It further states that limiting the scope to the definition of minor communal services as provided for in the Forced Labour Convention, 1919 (No. 29), is not necessary in the context of the small island nation of Samoa. The village setting requires all villagers to abide by village rules and by-laws to ensure control, peace and harmony. Major village projects, such as building churches, maintaining village cleanliness and building schools involve the participation of all villagers, thus promoting unity, identity and a sense of belonging to the village. The usual practice is for villagers who take part in major projects to receive money or compensation in kind for the work performed, with the exception of minor communal services in the form of cleaning areas around individual houses. The Government also indicates that section 11 of the Village Fono Act 1990 provides for a right of appeal, including against decisions of the village *fono* regarding punishment.

The Committee notes that the Government refers also to the "improvement of living standards", under section 5(2)(d) of the Village Fono Act 1990, under which every village *fono* may make rules regarding the improvement of living standards. The Committee points out in this regard that its comments do not relate to section 5(2)(d) of the Village Fono Act 1990, and that the Convention does not prevent decisions from being taken for the improvement of living standards, in so far as such decisions do not allow compulsory labour to be imposed for purposes of economic development. The Committee recalls that *Article 1(b)* of the Convention requires the abolition of any form of forced or compulsory labour as a means of mobilizing and using labour for purposes of economic development.

The Committee therefore requests the Government to take the necessary measures to eliminate, both in law and in practice, the possibility of resorting to compulsory labour in the context of village* fonos*, particularly for the realization of major village projects which are not limited to minor communal works and can constitute a method of mobilizing labour for the purposes of economic development. The Committee also requests the Government to provide information on the application of sections 5(3) and 6 of the Village Fono Act 1990, indicating the number of persons who have been sanctioned and the penalties imposed for failure to obey regulations and by-laws.

Article 1(c). Disciplinary measures applicable to seafarers. Regarding the need to amend sections 127(e) and 128 of the Act, under which a seaman who wilfully and persistently neglects his duty, disobeys any lawful command, or combines with other seamen for these purposes, or to impede the navigation of the vessel, may be subject to a sentence of imprisonment (involving compulsory labour), the Committee noted the Government's indication that the Shipping Act 1998 was under revision.

The Government indicates that it takes due note of the Committee's comments, and that the revision of the Shipping Act 1998 will be conducted in phases, depending on the funding and support that the Ministry of Works, Transport and Infrastructure is able to secure from donors and technical partners. ***The Committee hopes that the Government will take the necessary measures to amend sections 127(e) and 128 of the Shipping Act 1998, in order to ensure that no compulsory labour may be imposed as a means of labour discipline on seamen for acts that do not endanger the safety of the ship, or the life or health of persons. In the meantime, the Committee requests the Government to provide information on any practical application of sections 127(e) and 128, as well as on the penalties that have been imposed in such cases***.

Saudi Arabia

Forced Labour Convention, 1930 (No. 29) (ratification: 1978)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2021)

Previous comment

The Committee welcomes the ratification by Saudi Arabia of the Protocol of 2014 to the Forced Labour Convention, 1930. ***Noting that the first report of the Government has not been received, the Committee requests the Government to provide detailed information on the application of the Protocol, in accordance with the report form adopted by the Governing Body.***

Representation made pursuant to article 24 of the ILO Constitution. The Committee notes that the Governing Body, at its 352nd Session (November 2024), declared as admissible the representation submitted by the Building and Wood Workers' International (BWI) alleging non-observance of the Convention and its Protocol of 2014 by Saudi Arabia (GB.352/INS/20/8, paragraph 6). The Committee observes that the allegations in the representation refer to issues related to the legal framework regulating the employment relations of migrant workers and abusive practices that amount to forced labour, which were the subject of the Committee's previous observation. ***In accordance with its usual practice, the Committee has decided to defer the examination of these issues until the Governing Body adopts its report on the representation.***

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. (i) *National policy*. The Committee notes that Saudi Arabia has developed and implemented a National Action Plan (NAP) built around the four pillars of anti-trafficking: prevention, protection, prosecution and partnership. Building on the 2017–2020 NAP, the 2021–2023 NAP identifies priority areas that are needed to strengthen the trafficking response in the Kingdom and provides action points for the National Committee to Combat Human Trafficking (NCCHT), which spearheads the country's response to trafficking. ***The Committee requests the Government to provide information on the measures taken to implement the four pillars***

of the NAP and the activities undertaken by the NCCHT to develop a coordinated action to prevent and combat trafficking. It requests the Government to provide information on the assessment of the implementation of the NAP indicating the progress made and challenges encountered.

(ii) *Identification and protection of victims.* Following its previous comments, the Committee notes the Government's information regarding the measures taken to identify victims of trafficking, including: (1) the information campaigns undertaken by the Ministry of Human Resources and Social Development (MHRSD) on the indicators issued by the NCCTP on human trafficking, forced labour, exploitation of domestic workers and sexual exploitation; and (2) the workshops organized with foreign embassies to review and discuss the Ministry's most prominent initiatives, including those to combat human trafficking crimes. Moreover, the Committee takes note of the information regarding the measures taken to implement the national referral mechanism (NRM) for victims of trafficking in persons, including the establishment of a national team to ensure the operationalization of the NRM for the identification of victims of trafficking, their referral to assistance and rehabilitation, follow-up of cases, and the periodic review of the NRM by the NCCTP.

The Committee observes with ***regret***, however, that the Government provides no statistics on the number of victims of trafficking who have been identified and have benefited from these measures. Moreover, the Committee notes that, in its concluding observations of 2024, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), noted with concern the lack of effective procedures for early identification of victims of trafficking, case management and victim protection, limited awareness among police and other law enforcement officers about trafficking indicators, as well as the lack of gender-sensitive protocols for dealing with victims of trafficking, including trafficking for purposes of exploitation or prostitution. CEDAW also noted the limited number of homes and shelters for victims of trafficking, and the lack of support services tailored to the needs of trafficking victims (CEDAW/C/SAU/CO/5).

The Committee requests the Government to strengthen its efforts to ensure the effective identification and protection of victims of trafficking for the purpose of both sexual and labour exploitation. In this regard, it requests the Government to provide information on the measures taken for the proper functioning of the NRM in practice. The Committee further requests the Government to ensure that appropriate and gender-sensitive protection and assistance is provided to all victims of trafficking in persons, including by increasing the support services to this end. The Committee once again requests the Government to provide information on the victims who have been identified and who have benefited from adequate protection, including statistical data.

(iii) *Prosecution and application of penal sanctions.* The Committee notes the Government's indication that the MHRSD continues to deploy efforts to build the competency of officials in charge of combating crimes related to human trafficking. In this regard, it has provided 18 training sessions to human trafficking monitors, benefiting 645 trainees, between January and June 2023. The Committee notes, however, that the Government indicates that information on the outcome of the 266 cases of trafficking in persons recorded between 2019 and 2020, and on the number of investigations and prosecutions initiated under the Anti-Trafficking in Persons Law, 2009, will be communicated once available. ***In view of the lack of information on legal action resulting in the conviction of those responsible for trafficking, the Committee requests the Government to continue to strengthen the capacity of law enforcement bodies to proactively investigate cases of trafficking in persons. The Committee once again requests the Government to provide information on the number of investigations and prosecutions initiated under the Human Trafficking Act of 2009, including the specific penalties applied to those convicted for trafficking.***

Seychelles

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1978)

Previous comment

Article 1(d) of the Convention. Sanctions for participation in strikes. The Committee previously requested the Government to amend section 56(1) of the Industrial Relations Act 1991 (IRA) according to which participation in an unlawful strike or lockout is punished with a fine and imprisonment for a term of six months. Prison sentences involve an obligation to perform labour, in accordance with section 28(1) of the Prison Act 1991. It also referred to section 52(4) of the IRA which provides that the competent Minister is allowed to declare a strike to be unlawful if he or she is of the opinion that its continuance would endanger, among other things, the "public order or the national economy".

The Committee notes the information provided by the Government in its report regarding the procedures carried out since 2019, with the technical assistance of the ILO, to revise the provisions of the IRA and bring them into line with the international obligations of Seychelles. The Government indicates that the finalized draft law, which removes the sanction of imprisonment as a punishment for peaceful participation in strikes, has been endorsed by the Ministry of Employment and Social Affairs and is pending national validation. ***The Committee expresses the firm hope that the draft law which removes the penalty of imprisonment for participation in strikes from the Industrial Relations Act will be adopted without delay in order to bring the national legislation into conformity with Article 1(d) of the Convention. The Committee also refers in this regard to its comments under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).***

Sierra Leone

Forced Labour Convention, 1930 (No. 29) (ratification: 1961)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2021)

Previous comment

The Committee welcomes the ratification by Sierra Leone of the Protocol of 2014 to the Forced Labour Convention, 1930. ***Noting that the first report of the Government has not been received, the Committee hopes that the Government will provide detailed information on its application, in accordance with the report form adopted by the Governing Body.***

Articles 1(1) and 2(1) of the Convention. Compulsory agricultural work. The Committee recalls that, for a number of years, it has been requesting the Government to formally abrogate section 8(h) of the Chiefdom Councils Act (Cap. 61), under which compulsory cultivation may be imposed on "natives". The Committee takes due note of the Government's indication, in its report, that the newly enacted Employment Act, 2023, expressly prohibits forced or compulsory labour under section 16. The Government also reiterates that section 8(h) of the Chiefdom Councils Act (Cap. 61) is not applied in practice and is unenforceable as it does not conform with article 9 of the Constitution and section 16 of the Employment Act, 2023. The Committee however notes with ***regret*** that, despite the Government's previous indication, the Employment Act, 2023, has not repealed section 8(h) of the Chiefdom Councils Act. ***In light of the Government's repeated indication that the Chiefdom Councils Act (Cap. 61) would be amended, the Committee reiterates the firm hope that the Government will make every effort to take the necessary action in the very near future in order to formally repeal section 8(h) of the Act or to bring this provision into conformity with the Convention and the indicated practice. It requests the Government to provide information on any progress made in this regard.***

The Committee is raising other matters in a request addressed directly the Government.

South Africa

Forced Labour Convention, 1930 (No. 29) (ratification: 1997)

Previous comment: observation

Previous comment: direct request

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. Institutional framework. Following its previous comments, the Committee notes the Government's information in its report that the Prevention and Combating of Trafficking in Persons National Policy Framework (NPF), 2019, contains a detailed three-year interdepartmental strategic plan on the implementation and coordination of activities to combat trafficking in persons, which was revised and updated in November 2022. The NPF is implemented by a multi-disciplinary and cross-sectoral approach through different national coordinating structures including the National Coordinator Secretariat, the National Inter-sectoral Committee on Trafficking in Persons (NICTIP), Provincial Task Teams (PTTs) and Rapid Response Teams (RRTs), which also includes accredited non-governmental organizations and other civil society organizations including traditional leaders, academia, international organizations, and competent state and local stakeholders. The Government states that these structures which support, protect and promote the rights of victims of trafficking constitute South Africa's National Coordination Mechanism, through which the legal and practical obligations under the Prevention and Combating of Trafficking in Persons Act (PCTP Act), the NPF, and international and regional treaties are met. The Committee also notes the Government's information on the various international partnerships concluded by the Government to combat trafficking in persons, including: (i) cooperation of the Southern African Regional Police Chiefs; (ii) collaboration between the prosecutors of South Africa and prosecutors of Botswana, Eswatini and Mozambique; (iii) a binational commission with Zimbabwe, Botswana, Mozambique and Zambia; and (iv) signing of the Memorandum of Understanding (MoU) with Mozambique, Botswana and Zambia. In addition, a draft MoU with the Government of Thailand is under preparation.

The Government also indicates that awareness-raising and education to reduce the incidence of trafficking in persons is being coordinated by all stakeholders. Moreover, the recommendations following the findings of the research on the scope and nature of trafficking in persons in South Africa conducted by the United States Agency for International Development is being implemented by the NICTIP. ***The Committee requests the Government to provide detailed information on the activities undertaken by the National Coordination Mechanism, including the NICTIP, the provincial trafficking in persons task teams and provincial rapid response teams, for the effective implementation of the NPF, and to provide information on the results achieved in preventing and combating trafficking in persons.***

Identification and protection of victims. The Committee notes the Government's information that National Instruction No. 4/2015 and the National Standard Operating Procedure (SOP) developed by the South African police service contain guidelines on the identification of victims of trafficking and outline the assistance to be provided to them. Accordingly, the National Instruction and the SOP provide for the immediate removal of victims from the trauma or exploitation, medical assistance, protection, gathering of evidence, assessment of the quantum of damages, as well as reintegration and repatriation of the victims. The Committee also notes the Government's information that the Department of Social Development issued Regulations pursuant to section 43(3) of the PCTP Act, which regulates and guides the management and assessment of victims of trafficking. Moreover, Directives on proactively identifying, interviewing and assessing victims of trafficking and their referral to social, medical and psychological services, as well as the Safety Risk Assessment Tool to identify child victims of trafficking, were also developed in 2022–23. The Department of Social development issued copies of the Directives for distribution to provinces, with a view to enhancing the training of social workers, non-governmental organizations, as well as other relevant stakeholders.

The Committee further notes the Government's information that victims of trafficking are initially referred to the Accredited One Stop Centres and after the referral processes, they are placed at the facility by the South African police or a social worker as per the National Instruction 4 of 2015. According to the statistical information provided by the Government, a total of 77 victims of trafficking, including 39 females were identified and rescued by the Government, while 52 victims of trafficking, including 42 females, were identified and rescued by non-governmental organizations. The Government also indicates that a total of 246 victims and suspected victims of trafficking received services with Government support. The Committee also notes the Government's information that regulations under section 43(2) of the PCTP Act concerning the recovery and reflection period for foreign victims of trafficking and their repatriation in their country of origin, have been finalized. ***The Committee requests the Government to continue to take measures to ensure the early identification of victims of trafficking and to provide them with appropriate protection and assistance for their recovery and rehabilitation. It requests the Government to continue to provide information on the measures taken in this regard as well as on the number of victims of trafficking who have benefited from the assistance and protection services, indicating the specific services provided. It also requests the Government to provide a copy of the regulations adopted under section 43(2) of the PCTP Act.***

Prosecution and application of penalties. The Committee notes from South Africa's response to the 2022 Trafficking in Persons Report that the interpretation of section 13(a) of the PCTP Act concerning the penalties is that a person who is convicted of the offence of trafficking in persons must be sentenced to life imprisonment, unless there are substantial and compelling circumstances which justify a lesser sentence, which could include the imposition of a fine, although very unlikely. In this regard, the Committee notes that according to the information provided by the Government, in 2023, convictions were made in seven cases of trafficking for sexual purposes, involving 13 accused who were sentenced to imprisonment ranging from 15 to 18 years and life imprisonment; and in one case of trafficking of two children for forced labour, one accused was sentenced to 15 years' imprisonment. ***The Committee requests the Government to continue taking the necessary measures to ensure that perpetrators of trafficking in persons are prosecuted and that effective and dissuasive penalties are imposed. It requests the Government to continue to provide information on the number of investigations and prosecutions carried out, as well as the convictions and types of penalties imposed. It also requests the Government to provide information on the measures taken to strengthen the capacity of the law enforcement officials in this regard.***

Article 2(2)(c). Work of prisoners for private enterprises. In its previous comments, the Committee noted that, pursuant to sections 37(1)(b), 40(1) and 40(2) of the Correctional Services Act of 1998, a sentenced offender is obliged to perform labour. In addition, by virtue of section 23(2)(a) of the Correctional Service Regulations, private entities are allowed to hire convicted persons to perform labour against a prescribed tariff. The Committee noted that offenders who perform labour were paid a gratuity, and that the recruiters of prison labour were responsible for performing the duties of correctional officers in terms of safety, security and care. The Committee observed that the described working conditions of prisoners for private enterprises did not appear to approximate a free labour relationship in terms of wages or measures related to occupational safety and health. In this regard, it observed that the Strategic Plan for 2015/2016–2019/2020 of the Department of Correctional Services referred to public–private partnerships that were concluded in 2000 for the design, construction, financing and operation of the Mangaung and Kutuma-Sinthumule correctional centres, for a duration of 25 years. The Committee requested the Government to take the necessary measures to ensure that convicted persons who perform work for private entities undertake it voluntarily, with their formal, freely given and informed consent, and with working conditions approximating those of a free labour relationship.

Noting that this issue has been raised since 2010, the Committee once again notes with ***regret*** the absence of information in the Government's report on this point. The Committee therefore recalls

once again that, by virtue of *Article 2(2)(c)* of the Convention, the compulsory labour of convicted persons is not considered forced labour when: (1) it is carried out under the supervision and control of a public authority; and (2) prisoners are not hired to or placed at the disposal of private individuals, companies or associations. If either of the two conditions is not observed, the situation would fall within the scope of the Convention and compulsory labour exacted from convicted persons under these circumstances is prohibited in virtue of *Article 1(1)* of the Convention. However, the Committee has considered that work by prisoners for private enterprises could be held to be compatible with the Convention when: (i) the prisoners concerned offer themselves voluntarily, by giving their free, formal (in writing) and informed consent to work for private enterprises; and (ii) when the conditions of work of prisoners approximate those of a free labour relationship (see the 2012 General Survey on the fundamental Conventions, paragraphs 278 and 279). ***Therefore, the Committee urges the Government to take the necessary measures without delay to ensure that in both law and practice, the work undertaken by prisoners for private enterprises, only takes place voluntarily on the basis of the free, formal and informed consent of the prisoners concerned, and under conditions approximating a free labour relationship. The Committee requests the Government to provide information on the progress made in this regard, and on the number of prisoners working for the benefit of private enterprises and the manner in which their free, formal and informed consent is given.***

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1997)

Previous comment

Article 1(c) of the Convention. Disciplinary measures applicable to seafarers. In its previous comments, the Committee noted with deep concern that certain provisions of the Merchant Shipping Act of 1951, which for many years the Committee has noted are incompatible with *Article 1(c)* of the Convention, were reproduced in the same terms under the Merchant Shipping Bill of 2020. It noted that sections 321, 322 and 180(2)(b) of the Merchant Shipping Act of 1951, on the forcible conveyance of seafarers on board ship to perform their duties, were repeated under sections 397, 398 and 142(3) of the Merchant Shipping Bill, 2020. Similarly, the following sections remained unchanged: section 372 of the Bill which provides for penalties of imprisonment (during which prison labour may be imposed, according to section 37(1)(b) of the Correctional Services Act, 1998) for breaches of discipline by seafarers, including wilfully disobeying any lawful command or neglecting duty (section 134(2)(b) and (c)); combining with any of the crew to disobey lawful commands, neglect duty, impede the navigation of the ship or retard the progress of the voyage (section 134(2)(d)); preventing, hindering or retarding the loading, unloading or departure of the ship (section 134(2)(f)); desertion (section 138(1) and (2)); and absence without leave (section 139(1) and (2)). The Committee firmly hoped that the Government will take into account the Committee's comments to review the Merchant Shipping Bill, 2020, with a view to bringing it into conformity with the Convention.

The Committee notes the Government's information in its report that the above-mentioned provisions that are not in compliance with the provisions of the Convention, have been addressed in the Merchant Shipping Bill of 2023, which has been approved by the Cabinet and is currently undergoing final editing by the Parliament. The Government indicates that, according to the new Bill, breaches of discipline will no longer be punishable with penalties of imprisonment involving compulsory labour, where the ship or the life or health of persons are not endangered and all the sections which promoted forcible return of seafarers on board ship to perform their duties have been restricted to situations where the ship or life or health of persons are endangered. ***The Committee expresses the firm hope that the Government will take the necessary measures to ensure that the Merchant Shipping Bill of 2023 which amends section 134(2)(b), (c), (d) and (f), section 138(1) and (2) and section 139(1) and (2) on labour discipline, as well as sections 397, 398 and 142(3) on forcible conveyance of seafarers on board ship to perform their duties, by restricting the penalties for its breaches to imprisonment only to situations where the ship or life or health of persons are endangered, will be adopted without delay.***

The Committee requests the Government to provide information on any progress made in this regard and to provide a copy once it has been adopted.

The Committee is raising other matters in a request addressed directly to the Government.

South Sudan

Forced Labour Convention, 1930 (No. 29) (ratification: 2012)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. The Committee previously noted section 282 of the Penal Code of 2008 which criminalizes trafficking in persons for sexual exploitation outside South Sudan. It requested the Government to indicate the provisions in national legislation that would prohibit trafficking for labour exploitation, including within the borders of the country, as well as information on the measures taken to prevent and suppress all forms of trafficking in persons. The Committee notes that the Government refers in its report to section 11 of the Labour Act of 2017 which prohibits any person from organizing or assisting in the organization of illicit or clandestine movement of any persons into or out of South Sudan for performing work. The Government also indicates that no information is available concerning any decision or sanction imposed by the courts under section 282 of the Penal Code.

The Committee notes that the United Nations Special Rapporteur on Trafficking in Persons, in her report of May 2023, highlights the prevalence of trafficking in persons occurring in the context of extreme poverty, insecurity and continuing conflict and violence in South Sudan and the urgency for strengthening coordinated action to prevent and combat trafficking in persons for all purposes of exploitation. She also emphasizes the very limited assistance and protection available to trafficked persons and the need for urgent action to ensure safe accommodation, appropriate assistance and protection to victims. The Special Rapporteur indicates that South Sudan currently hosts 377,000 refugees and over 824,000 migrant workers and an estimated 2.3 million South Sudanese refugees are living in neighbouring countries making it the largest refugee crisis in Africa. This migration context, combined with limited access to livelihoods and safe, regular migration opportunities, both inward and outward, contribute to increased risks of trafficking in persons. There are reports of women and girls who are abducted and detained by State and non-state armed groups for sexual slavery and forced labour (A/HRC/53/28/Add.2).

While acknowledging the complexity of the situation on the ground, the Committee urges the Government to take the necessary measures to prevent and combat trafficking in persons for both sexual and labour exploitation by (i) adopting a legal framework encompassing all forms of trafficking in persons; ii) ensuring comprehensive prevention and awareness-raising activities, with a particular focus on refugees and returned refugees; (iii) ensuring appropriate assistance and protection to victims of trafficking; (iv) enhancing the capacities of the law enforcement bodies to identify situations of trafficking in persons, undertake prompt investigations and initiate prosecutions. It also requests the Government to provide information on the prosecutions carried out, the convictions handed down and the number and nature of penalties applied to perpetrators of trafficking in persons.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Sri Lanka

Forced Labour Convention, 1930 (No. 29) (ratification: 1950)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2019)

Previous comment

The Committee welcomes the ratification by Sri Lanka of the Protocol of 2014 to the Forced Labour Convention, 1930, and takes due note of the Government's first report as well as the information provided in reply to its previous comments under the Convention.

Articles 1(1), and 2(1) of the Convention and Article 1(2) of the Protocol. National policy and systematic and coordinated action. *Trafficking in persons.* Referring to its previous comments on action taken to combat trafficking in persons, the Committee notes the Government's information that it is implementing the four pillars of the new National Strategic Action Plan to Monitor and Combat Human trafficking (NSAP 2021–2025) which covers prevention, protection, prosecution and partnership. It notes that the National Anti-Human Trafficking Task Force (NAHTTF) which coordinates the overall efforts in this regard works closely with the 19 stakeholder institutions who are actively participating in activities related to trafficking in persons. The Ministry of Defence as the chair of the NAHTTF directly coordinates with the investigation authorities and intelligence services and monitors the implementation of the NSAP. The Government also indicates that, in 2022, the Ministry of Labour and Foreign Employment established a Task Force on the Elimination of Forced Labour, comprised of representatives from the various ministries, which aims to raise awareness among stakeholders and coordinate government efforts on forced labour. ***The Committee welcomes the consolidation of the institutional framework to combat all forms of forced labour and requests the Government to provide information on any assessment conducted concerning the implementation of the different components of the NSAP 2021–2025, indicating the results achieved, the challenges identified and the measures envisaged to address them. It also requests the Government to provide information on the activities undertaken by NAHTTF and the Task Force on the Elimination of Forced Labour and to indicate how coordination is ensured among these entities.***

Article 1(3) of the Protocol and Article 25 of the Convention. Law enforcement and effective sanctions. Following its previous comments, the Committee notes the Government's information on the establishment of the Human Trafficking, Human Smuggling and Maritime Crimes Division (HTHSMC Division) of the Criminal Investigation Department, in 2021, which is responsible for investigations and the institution of court proceedings in relation to trafficking and forced labour cases. Furthermore, the Department of Labour can enforce minimum standards against the employer for complaints that are construed as forced labour such as the underpayment or non-payment of wages or inhumane working conditions, while cases involving offences related to forced labour are referred to the specialized unit of the police that deals with trafficking and forced labour for further investigation. According to the Government's report there are 40 District Labour Offices, 17 Sub Labour Offices and 14 District Factory Inspecting Engineer's Offices island-wide. In 2022, the Department of Labour carried out 79,076 labour inspections island-wide including in rural areas. The Government indicates that with increased awareness among labour officers, the Department of Labour will be better equipped to effectively monitor and address forced labour, and that technical assistance has been sought from the ILO for building the capacities of the officials of the Department of Labour and the police in this regard. The Government also indicates that in 2023, the HTHSMC Division launched 34 investigations involving 60 suspected traffickers (33 for sex trafficking and 27 for forced labour). Prosecutions were initiated against 23 suspects, comprising 15 for sex trafficking and 8 for labour trafficking.

The Committee notes that in his 2022 report upon his visit to Sri Lanka, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, while acknowledging the progress made, highlights that contemporary forms of slavery still exist in the country and they

particularly affect those in vulnerable situations, including children, women, ethnic, linguistic and religious minorities as well as older persons. The report refers, inter alia, to instances of exploitation of Sri Lankan migrant workers, indicators of forced labour and domestic servitude in the domestic sector, as well as in tea plantations, and debt bondage resulting from abusive practices of microfinancing companies (A/HRC/51/26/Add.1).

The Committee requests the Government to take the necessary measures to strengthen the capacities of the labour inspection and law enforcement bodies with a view to ensuring that cases of forced labour and trafficking in persons for both sexual and labour exploitation, are proactively identified and investigated. It requests the Government to indicate the measures taken in this regard and to provide information on the investigations carried out, especially in the sectors at risk, the prosecutions, and the convictions and specific penalties imposed on perpetrators, under sections 358A (debt bondage, forced labour) and 360C (trafficking) of the Penal Code.

Article 2 of the Protocol. Preventive measures. Clauses (b) and (e). Educating and informing employers; supporting due diligence. ***In the absence of information in this regard, the Committee requests the Government to provide specific information on education and awareness-raising activities aimed at strengthening employers' knowledge about the relevant labour legislation and at preventing their becoming involved in forced labour practices as well as on the measures taken to support due diligence by both the public and private sectors to prevent and respond to risks of forced labour in their operations.***

Clause (d). Protecting migrant workers from possible abusive and fraudulent practices. The Committee previously noted the various measures taken by the Government to protect the rights of Sri Lankan migrant workers, including through awareness raising activities, pre-departure trainings, complaint handling mechanisms and consular assistance, and requested the Committee to pursue its efforts to prevent migrant workers from being trapped in forced labour. The Committee notes the Government's information that a new National Policy and Action Plan on Migration for Employment 2023–2027 was approved by the Cabinet of Ministers on 4 September 2023. The Government states that this comprehensive plan has sought inputs and perspectives from various stakeholders including migrant workers and their families, foreign employment agencies, the private sector, civil society organizations, or trade unions. The Government indicates that the issuance of licences to carry on the business of a foreign employment agency is carefully regulated and exclusively granted to individuals with a strong ethical background. Since 2023, licensed institutions are required to provide a bank guarantee of 3 million Sri Lanka rupees, further safeguarding the welfare of migrant workers. In 2022 and 2023, initiatives such as the GLOCAL Fair and consolidated programmes have been organized in various regions of the country with the aim of facilitating access to foreign employment opportunities directly, without the involvement of middlemen, and offer effective solutions to potential challenges.

The Committee also notes that the Counter Human Trafficking Unit (CHTU) actively engages in raising awareness and implementing initiatives to prevent human trafficking in the context of foreign employment. Information is disseminated through various media channels, targeting not only migrant workers but also government officials, embassy personnel and the general public. The Government further indicates that the Sri Lanka Bureau of Foreign Employment (SLBFE) maintains an online system for registering persons who wish to migrate for employment as well as for responding to migrant workers' complaints. In cases where the recruitment of a Sri Lankan national is necessary, approval from the SLBFE is mandatory, after validation of the job order with the relevant embassy or Chamber of Commerce of the respective country. Additionally, the SLBFE establishes the fee structure for such approvals, ensuring transparency and fairness. Prospective migrants are provided with mandatory pre-departure training programmes on safe migration and on ways of protecting their rights, through 17 training centres across the country. Furthermore, if issues such as unpaid salaries or inadequate medical care arise while working abroad, the SLBFE's conciliation section intervenes to investigate and issue orders to address the related problems. Officers have been stationed in 15 embassies across

13 countries with a significant Sri Lankan workforce to ensure the welfare of nationals working abroad. ***The Committee takes due note of the measures taken and requests the Government to pursue its efforts to prevent the risks of trafficking in persons and forced labour of national migrant workers in the destination countries, including through: (i) the effective monitoring of the foreign employment agencies; (ii) ensuring that recruitment fees are not borne by the workers; (iii) strengthening the capacity of the3 SLBFE conciliation section and access to consular services in the destination country; and (iv) strengthening cooperation with destination countries.***

Article 3 of the Protocol. 1. *Identification of victims.* The Committee notes the Government's information that based on the Standard Operating Procedures for the identification, protection and referral of victims of trafficking, the SLBFE and the Department of Immigration and Emigration (DoIE) issued a circular/procedure providing guidelines for victim identification and referral to competent authorities. The Government also indicates that the Investigation Division of the DoIE maintains a list of passengers identified as potential victims of trafficking and issues instructions to the visa section to schedule interviews when these persons request a visa extension. If, following the interview, there are reasonable grounds to believe that they are vulnerable to trafficking, the visa extension is denied, and the DoIE ensures their safe return. The DoIE has also established the Border Surveillance Unit (BSU), which consists of 12 surveillance officers, stationed at international airports, to conduct random and spontaneous checks aimed at identifying potential victims.

The Government further states that several institutions operate 24-hour hotlines to receive complaints in relation to trafficking in persons that may be referred to the NAHTTF, for necessary action and thereafter to the police for investigation. The Committee finally notes the Government's information that in 2023, 59 victims of trafficking were identified, all of whom were female. Among these victims, 43 were victims of trafficking for labour exploitation, 13 were victims of trafficking for sexual exploitation, and 3 were victims of both. Out of the 59 victims, 12 were identified within Sri Lanka, while 47 were identified abroad. ***The Committee requests the Government to continue taking measures to ensure that victims of trafficking are properly identified and to provide information in this regard. It also requests the Government to provide more specific information on the measures taken to better identify cases of forced labour that are not linked to migration, including in the plantation sector or in domestic work.***

2. *Protection, assistance and rehabilitation.* The Committee notes the Government's information on the protection and assistance that can be provided to all victims of forced labour under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015, such as the right to be treated with equality, fairness, dignity and privacy. The Government indicates that in 2023, it has referred at least 54 victims of forced labour and trafficking to various government agencies and international organizations for the provision of services, including shelters, psycho-social care, educational services as well as legal services through the Legal Aid Commission of Sri Lanka.

The Government also provides information on cases where steps were taken to assist and repatriate potential victims of trafficking or domestic servitude. Shelters and safe houses are being operated within Sri Lankan diplomatic missions in selected countries and access to legal assistance, food, accommodation and medical care is provided to all migrant workers through the SLBFE worker's welfare fund. During the period from July 2019 to September 2023, 134 migrant workers received assistance from Sri Lankan missions abroad. However, the Government indicates that these shelters were equipped only for female victims and there were complaints that there were inadequate resources to meet the needs of victims. The SLBFE also provides financial assistance to returning workers, helps them find new employment opportunities and has introduced a pension scheme for migrant workers and an employer-paid insurance scheme for female domestic migrant workers in the Middle East.

The Committee takes due note of these measures and encourages the Government to intensify its efforts to ensure adequate protection and assistance to all victims of trafficking, including male

victims. It requests the Government to provide information on the nature of the protection and assistance provided to victims of forced labour in the national territory.

Article 4 of the Protocol. 1. *Compensation.* The Committee notes that the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015 enables victims of crime to obtain compensation from the persons convicted of committing offences against them (section 2(c)). Section 13(1)(f) of the Act, provides that the National Authority for the Protection of Victims of Crime and Witnesses shall make an award for payment of compensation to a victim of a crime and for that purpose implement a scheme for the grant of the compensation from the Victims of Crime and Witnesses Assistance and Protection Fund. ***The Committee requests the Government to provide information on the measures taken to ensure that all victims of trafficking and forced labour receive compensation, whether awarded by the National Authority or by the courts, and to indicate the number of victims compensated.***

2. *Non-punishment of victims for acts committed under constraint*. ***The Committee requests the Government to indicate how it is ensured that both in law and practice the competent authorities do not prosecute or impose penalties on victims of forced labour, including trafficking in persons, who have participated in unlawful activities under constraint.***

Article 6 of the Protocol. Consultation of employers' and workers' organizations. ***The Committee requests the Government to provide information on the measures taken to ensure that national policies and action plans on forced labour are formulated in consultation with employers' and workers' organizations, in accordance with Articles 1(2) and 6 of the Protocol.***

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 2003)

Previous comment

Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. Prevention of terrorism regulations. In its previous comments, the Committee noted that sanctions of imprisonment involved compulsory labour by virtue of section 65 of the Prison Ordinance. It noted that, pursuant to the Prevention of Terrorism (Proscription of the Liberation Tigers of Tamil Eelam (LTTE)) Regulations No. 1 of 2011 (sections 3, 4 and 5) under the Prevention of Terrorism Act of 1979, penalties of imprisonment might be imposed for offences defined broadly, such as taking part in meetings, promoting, encouraging, supporting, advising, assisting and causing the dissemination of information linked to the LTTE or any other organization representing or acting on behalf of the said organization, or be connected with or concerned in or be reasonably suspected of being connected with or concerned in, any such activities. The Prevention of Terrorism (Proscription of the Tamil Rehabilitation Organization) Regulations No. 2 of 2011 likewise provide for penalties of imprisonment for a range of activities linked to the Tamil Rehabilitation Organization, including attending meetings and the publication of material (sections 3, 4 and 5).

The Committee notes the Government's information in its report that a revised Anti-Terrorism Bill, which aims to establish provisions for the protection of national security and the people of Sri Lanka from acts of terrorism and related offences, has incorporated all the relevant amendments and suggestions received from national and international interested bodies as well as the comments by the Committee, and will be soon submitted to the Cabinet of Ministers for approval. The Committee also notes the Government's information that the application of Regulation No. 1 of 2011 led to 54 arrests and 33 indictments, as well as 8 convictions, which included rigorous as well as suspended imprisonment, were handed down. The Government states that these penal sanctions do not involve compulsory labour prohibited under this Convention.

The Committee, however, notes that according to section 96(d) of the Anti-Terrorism Bill (Part II of 15 September 2023), all regulations made under the repealed Act, including Regulations 1 and 2 of 2011, shall be deemed to have been made under the corresponding provisions of this Act and be enforced and given effect accordingly. The Committee also notes that the Anti-Terrorism Bill provides for the penalty of imprisonment (involving compulsory labour) for terrorism-related offences, including encouragement to carry out an act of terrorism (section 10) and publication and dissemination or possession of terrorist publications (section 11).

Furthermore, the Committee notes that in its 2023 concluding observations on the application of the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee expressed concern that the broad definition of terrorism under the Prevention of Terrorism Act is used to legitimize the targeting of minorities, in particular Muslims and Tamils, as well as critics of the Government. It also expressed concern at the use of excessive force in dispersing peaceful assemblies; at the application of counter-terrorism legislation against protestors; and at the lack of effective investigations and prosecutions in these cases (CCPR/C/LKA/CO/6, paragraphs 16 and 42). The Committee further notes that the United Nations Office of the High Commissioner for Human Rights, in its report of 22 August 2024 on the situation of human rights in Sri Lanka, stated that the Anti-Terrorism bill, which is currently before the Parliament, contains vaguely defined terms and definitions of offences and grants broad powers to the executive with limited safeguards including the power to declare any place in the country "prohibited" and to declare curfews in the totality or parts of the country. It also criminalizes freedom of expression under section 10 (A/HRC/57/19, paragraph 14).

The Committee once again recalls that *Article 1(a)* of the Convention prohibits the use of compulsory labour, including compulsory prison labour, as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. The Committee has emphasized that, while counter-terrorism legislation responds to the legitimate need to protect the security of the public against the use of violence, when drafted in general and broad terms it can become a means of punishing the peaceful exercise of civil rights and liberties, such as freedom of expression and the right to assembly. ***The Committee therefore requests the Government to take the necessary measures to review the relevant provisions of the Anti-terrorism Bill and its related regulations to ensure that they cannot be used to impose penalties of imprisonment, which involve compulsory labour, on persons who peacefully express opposition to the established political, social or economic system. It also requests the Government to provide more detailed information on the facts underlying any charge and indictment brought by the competent authorities under the Prevention of Terrorism Act and its Regulations. It requests the Government to continue to provide information on the practical application of the above-mentioned provisions of this Act and its Regulations.***

Article 1(c). Disciplinary measures applicable to seafarers. In its previous comments, the Committee referred to section 127(2) of the Merchant Shipping Act (No. 52 of 1971) according to which the regulations made under section 127(1)(ii) concerning the conditions of service of those serving on board ships, including regulations providing for disciplinary offences, discipline of officers and seafarers, may provide for the imposition of penalties of imprisonment for a term not exceeding two years (involving compulsory labour). The Committee notes the Government's information that the amendments to the Merchant Shipping Act are still ongoing. A comprehensive review of the Act has been undertaken and specific areas that need to be modified, including sections 127(1) and (2), have been identified. The Committee recalls that the Convention prohibits the imposition of sanctions involving compulsory labour as a means of labour discipline. ***Therefore, the Committee expresses the firm hopes that the Government will take the necessary measures to ensure that the above-mentioned provisions of the Merchant Shipping Act will be amended without delay to ensure conformity with the Convention, either by repealing sanctions involving compulsory labour or by restricting their application to situations where the ship or the life or health of persons are endangered. The Committee requests the Government to provide information on any progress made in this regard.***

Article 1(d). Sanctions for participation in strikes. The Committee previously noted that the Industrial Disputes Act No. 43 of 1950 penalizes the participation in strikes in essential industries in violation of procedural requirements to be observed in declaring strikes in such industries with sanctions of imprisonment (involving compulsory prison labour) (sections 32(2) and 40(1)(n), read in conjunction with section 43(1) of the Act). It also noted that section 17(2) of the Public Security Ordinance, 1947, and sections 2(2), 4(1) and 6 of the Essential Public Services Act, 1979, provide for certain restrictions on the right to strike, and that violations of these provisions are punishable with imprisonment.

The Committee notes the Government's statement that sections 32(2) and 40(1)(n) of the Industrial Disputes Act as well as the provisions under the Public Security Ordinance and the Essential Public Services Act are in place to safeguard the fundamental rights of civilians. It indicates that the Industrial Dispute Act outlines provisions for penal sanctions against individuals who commit offences under the Act, as detailed in section 43(1) and that engaging in a peaceful strike as a worker is not classified as an offence under this section or any other part of the Act. It also states that section 32(2) only requires the written notice of intention to commence a strike to be provided to the employer 21 days prior to the commencement of the strike which is enforced in order to ensure that the employee's right to freedom of association does not infringe upon the other civil rights of Sri Lankan citizens, particularly the right to life. The Government further indicates that no legal actions were taken for the breaches of section 32(2) of the Industrial Disputes Act during 2022 and 2023.

In this regard, the Committee observes that according to section 40(1)(d) of the Industrial Disputes Act, a person who, being a workman, contravenes the provisions of section 32(2) shall be guilty of an offence and that under section 43(1) any person who commits an offence under the Act would be liable upon conviction, to a fine, or imprisonment, or to both. The Committee observes that these provisions do not appear to distinguish between peaceful and other strikes and hence sanctions of imprisonment may be imposed for the participation in peaceful strikes as well. The Committee once again recalls that in accordance with *Article 1(d)* of the Convention, no sanctions involving an obligation to perform labour (such as compulsory prison labour) should be imposed as a punishment for having peacefully participated in strikes, whether or not the strike has been carried out in contravention of legislative provisions establishing the requirements for the declaration or the conduct of the strikes***. Referring also to its comments under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee once again requests the Government to take the necessary measures to ensure that, both in legislation and practice, no sanctions involving compulsory labour can be imposed for peacefully participating in strikes. It therefore requests the Government to ensure that the above-mentioned provisions of the Industrial Disputes Act, Public Security Ordinance, and the Essential Public Services Act are revised in order to ensure compliance with the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Syrian Arab Republic

Forced Labour Convention, 1930 (No. 29) (ratification: 1960)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Articles 1(1), 2(1) and 25 of the Convention. Situations of forced labour arising from the armed conflict. Trafficking and sexual slavery. Following its previous comments, the Committee notes that according to the 2016 Report of the UN Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic to the Human Rights Council, credible information indicates that women and girls trapped in conflict areas under the control of the Islamic State in Iraq and the Levant (ISIL) face

trafficking and sexual slavery. Some specific ethnic groups are particularly vulnerable, such as Yazidis and those from ethnic and religious communities targeted by the ISIL (A/HRC/32/35/Add.2, paragraph 65). The Committee also notes that, according to the 2017 Report of the UN Secretary-General on conflict-related sexual violence, thousands of Yazidi women and girls who were captured in Iraq in August 2014 and trafficked to the Syrian Arab Republic continue to be held in sexual slavery, while new reports have surfaced of additional women and children being forcibly transferred from Iraq to the Syrian Arab Republic since the start of military operations in Mosul (S/2017/249, paragraph 69).

The Committee notes the Government's indication in its report that, pursuant to the Prevention of Human Trafficking Act of 2010, a Department to Combat Trafficking in Persons was established. However, since the conflict has erupted, trafficking of persons and sexual slavery have increased because of the presence of terrorist groups in the country. The Committee must express its ***deep concern*** that, after almost six years of conflict, trafficking in persons and sexual slavery are practices that are still occurring on a large scale on the ground. ***While acknowledging the complexity of the situation on the ground and the presence of armed groups and armed conflict in the country, the Committee once again urges the Government to take the necessary measures to put an immediate stop to these practices which constitute a serious violation of the Convention and to guarantee that the victims are fully protected from such abusive practices. The Committee recalls that it is crucial that appropriate criminal penalties are imposed on perpetrators so that recourse to trafficking or sexual slavery does not go unpunished. The Committee urges the Government to take immediate and effective measures in this respect, and to provide information on the results achieved.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1958)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. For a number of years, the Committee has been drawing the Government's attention to certain provisions under which penal sanctions involving compulsory prison labour, pursuant to sections 46 and 51 of the Penal Code (Act No. 148 of 1949), may be imposed in situations covered by the Convention, namely:

- Penal Code: section 282 (insult of a foreign State); 287 (exaggerated news tending to harm the prestige of the State); 288 (participation in a political or social association of an international character without permission); and sections 335 and 336 (seditious assembly, and meetings liable to disturb public tranquillity); and
- the Press Act No. 156 of 1960: sections 15, 16 and 55 (publishing a newspaper for which an authorization has not been granted by the Council of Ministers).

The Committee also previously noted that the abovementioned provisions are enforceable with sanctions of imprisonment for a term of up to one year which involves an obligation to perform labour in prison.

The Committee notes the Government's indication in its report that the Press Act of 1960 had been repealed and replaced by the Media Act No. 108 of 2011, under which the penalty of imprisonment has been replaced by a fine. The Government also indicates that a draft Penal Code has been prepared and is in the process of being adopted. ***The Committee expresses the firm hope that, during the process of the adoption of the new Penal Code, the Government will take all the necessary measures to ensure that persons who express political views or views opposed to the established political, social or economic system benefit from the protection afforded by the Convention and that, in any event, penal sanctions involving compulsory prison labour cannot be imposed on them.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Thailand

Forced Labour Convention, 1930 (No. 29) (ratification: 1969)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2018)

Previous comment: observation

Previous comment: direct request

The Committee welcomes the detailed information contained in the Government's first report under the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 1(1) and 2(1) of the Convention and Article 1(1) and (2) of the Protocol. National policy and systematic action. The Committee notes the adoption of the Action Plan for the Prevention and Solution of Trafficking in Persons for the period 2023–2027, which focuses on the prevention of trafficking in persons (including regarding the recruitment of Thai workers for overseas employment), protection and assistance of victims, and adaptation of existing policies and strategies in light of the changing nature of trafficking in persons. The National Strategy and the National Security Policy and Plan No. 7 (2023–2027) also contemplate actions to increase the competencies of law enforcement bodies to prevent situations of trafficking in persons and expedite case management through collaboration with relevant agencies. In addition, specific action plans to prevent trafficking in persons in the fisheries sector have been adopted by the Royal Thai Police and the Ministry of Agriculture and Cooperatives. In 2021, the Government established an Anti-Human Trafficking Working Group within the Ministry of Labour to ensure effective implementation of the national policy. Furthermore, according to section 15 of the Anti-Trafficking in Persons Act, the Anti-Trafficking in Persons Committee can make recommendations to the Cabinet on the national policy on trafficking in persons and coordinate the development of an integrated data base system on trafficking.

The Committee takes due note of the adoption of legislative measures that reinforce protection against forced labour, which include the Emergency Decree Amending the Anti-Human Trafficking Act, B.E. 2551 (2008), B.E. 2562 (2019), the Ministerial Regulation on Business Authorization to Bring Foreigners to Work with Domestic Employers B.E. 2564 (2021), and the Ministerial Regulation on the Protection of Labour in Sea Fisheries B.E. 2565 (2022), which complements the Labour Protection Fishing Work Act B.E. 2562 (2019).

The Committee welcomes the annual reports on anti-trafficking efforts prepared by the Government, which illustrate the achievements of the Government in prevention, enforcement and protection of victims.

The Committee welcomes the measures taken by the Government to establish a robust institutional and legal framework to prevent and combat forced labour and requests it to provide information on: (i) the results of the implementation of the Action Plan for the Prevention and Solution of Trafficking in Persons for the period 2023–2027; (ii) any evaluation or recommendation made in this respect by the Anti-Trafficking in Persons Committee and the measures taken as a result; and (iii) any study undertaken on the current trends of forced labour in the country (sectors concerned, type of victims, root causes, and so forth).

Article 25 of the Convention and Article 1(3) of the Protocol. Definition and prosecution of forced labour. The Committee notes with ***interest*** the adoption of the Emergency Decree amending the Anti-Trafficking in Persons Act B.E. 2562 (2019), which incorporates the offence of forced labour, in addition to the offence of trafficking in persons (section 6) in the Anti-trafficking in Persons Act. According to

section 6/1 of the amended Act, any person who compels another person to work or to provide service by means including threatening to cause injury to life or reputation, intimidation, use of force, confiscation of identification documents or debt burden incurred as a consequence of an unlawful obligation, commits the offence of forced labour.

The Government indicates that from 2019 to 2023 there have been 297 cases related to forced labour that have been investigated under section 6/1 of the Anti-Trafficking in Persons Act. It also indicates that it has continued to provide training to police officers and prosecutors on forced labour in collaboration with the ASEAN-Australia Program to combat trafficking. The Committee notes from the Thai Government's Country Report on Anti-Human Trafficking Efforts (2023) that trafficking in persons in the form of sexual exploitation continues to be a pressing issue in Thailand. A total of 45 prosecutions of cases of trafficking in persons for the purposes of sexual exploitation were initiated between 2019 and 2023.

In relation to the Committee's request for information on measures taken to ensure that cases involving the complicity of Government officials with human traffickers are investigated, the Government indicates that it established a subcommittee within the Ministry of Justice for monitoring disciplinary actions and prosecution against Government officials to avert involvement in trafficking in persons. The Committee further notes from the Thai Government's Country Report on Anti-Human Trafficking Efforts (2021) that the Complicit Officials in Human Trafficking Monitoring and Investigation Centre was established.

The Committee notes the measures taken to ensure better implementation of the anti-trafficking legislation and encourages the Government to continue providing information on the application of sections 6 and 6/1 of the Anti-Trafficking in Persons Act (investigations, prosecutions, convictions and penalties), including information on the challenges faced by law enforcement bodies in enforcing this new provision, criminalizing forced labour. The Committee also requests the Government to provide more specific information on the activities undertaken by the Complicit Officials in Human Trafficking Monitoring and Investigation Centre, as well as on the number of investigations opened concerning officials complicit in cases of trafficking in persons and on the outcome of the investigations.

Article 2 of the Protocol. Preventive measures. Clauses (c) and (d). Protecting migrant workers from abusive and fraudulent practices and strengthening labour inspection. The Committee recalls that the Foreigners' Working Management Emergency Decree B.E. 2560 (2017) provides for responsibilities of employers and licensed recruitment agencies that bring foreigners to work in Thailand. The Committee notes the Government's indication that, in 2021, the Department of Employment inspected 227 companies employing migrant workers but found no cases of misconduct. Under the Labour Trafficking Prevention Action Centre Project, a total of 56,185 establishments have been inspected, in which 1,669 migrant workers were found to be victims of misconduct.

In relation to the recruitment process and labour inspection in the fishing sector, the Government indicates that the Ministerial Regulation on the Protection of Labour in Sea Fisheries B.E. 2565 (2022) requires employers to prepare key employment documents for migrant workers in both Thai and a language that the migrant workers can understand. A process of identification of migrant workers in the fisheries sector consisting in the granting of a "seabook" has also been introduced. As of July 2023, the number of migrant workers with active seabooks was 39,139, who came mostly from Myanmar, Cambodia and Laos. Between 2019 and 2023 there were 40 legal proceedings against employers who hired workers without seabooks or expired seabooks. The Government also indicates that it has implemented Port-in-Port-out (PIPO) Control Centres to conduct labour inspection in vessels. In 2023, a PIPO Control Centre manual was issued that contains a checklist for inspection and outlines a procedure for lodging complaints and taking criminal and administrative legal action. Between 2018 and 2023, the Department of Fisheries detected 1,824 cases of violations, 330 of which were detected by PIPO Control Centres and 1,494 were detected in offshore vessel inspections. In connection with this,

1,597 compliance orders were issued, and 1,824 criminal actions were taken. The Marine Fisheries Prevention and Suppression Centre of the Department of Fisheries has established provincial working groups to coordinate inspections of vessels and workers in fisheries. As a result, the working groups coordinated 135 inspections in 22 coastal provinces that comprised 706 vessels and 8,288 workers. The Government indicates that these inspections did not give rise to reports of forced labour.

The Committee takes due note of the efforts made by the Government to strengthen labour inspections in fishing vessels and encourages it to continue taking measures to protect migrant workers in fisheries from abusive labour practices that could lead to situations of forced labour. The Committee requests the Government to continue to provide statistical data on the inspections carried out in vessels, including on the numbers of infringements detected. The Committee also requests the Government to provide information on the measures taken to protect migrant workers occupied in other economic sectors from forced labour, including the agricultural sector.

Clause (e). Supporting due diligence by both the public and private sectors. The Committee notes the adoption of the Second National Action Plan on Business and Human Rights B.E 2566–2570 (2023–2027), which aims to promote responsible business practices and respect for human rights throughout supply chains. The Action Plan consists of four key issues, including labour. The Committee duly notes the Government's indication that some of the activities envisaged by the Action Plan include revising, updating and developing laws in line with the Protocol.

The Committee also notes that the Ministry of Labour issued, in 2020, the *Thai Labour Standard: Labour Corporate Responsibility – Requirements*, which is a document that enumerates voluntary standards for private companies, including a prohibition of forced labour, and contemplates actions for preventing violence in the workplace, respecting payment of wages, as well as working hours and rest periods. Pursuant to the *Thai Labour Standard*, companies shall prepare an action plan and allocate necessary resources to ensure that the standards are understood and implemented at all levels of the organization.

Furthermore, a Thai Sustainable Fisheries Roundtable (TSFR) operates as a joint committee between the public and private sectors. The purpose of the TSFR is to develop fishing standards following the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO).

The Committee requests the Government to provide information on the measures taken under the Second National Action Plan on Business and Human Rights B.E 2566-2570 (2023–2027) to support companies to prevent forced labour in their operations (for example, information campaigns, trainings or any technical support). It also requests the Government to report on measures taken to disseminate and promote the requirements contained in the Thai Labour Standard among private companies, as well as on any other measure taken to support public and private sector initiatives to tackle the risk of forced labour in their operations.

Article 3 of the Protocol. Identification and protection of victims of forced labour. The Committee notes that the Government established a national referral mechanism (NRM), to identify and protect victims of trafficking in persons. Under the NRM, victims can be reported through so-called "frontline agencies", which comprise both public and private organizations. Frontline agencies are responsible for transferring information received about victims of forced labour to the First Responders, who are authorized organizations, for further consideration, screening and assistance. The Government indicates that it has adopted Standard Operating Procedures on Preliminary Screening and a Handbook on the Suppression of Human Trafficking and the Protection of Victims, which together provide guidelines for identifying potential victims of forced labour. Indicators of forced labour include questions related to consent to work, employment conditions and signs of forced labour or services. Additionally, it launched PROTECT-U, a mobile app which provides an opportunity for victims and witnesses to contact authorities and share their GPS locations. Since its inception in 2019, 70 cases of

potential human trafficking have been reported through this application. The Government has further adopted measures to increase the capacity of Government officials, including labour inspectors, to identify victims of forced labour. In the fisheries sector, inspections include checking of seafarers' identity documents and interviews with migrant workers in fishing vessels who are considered to be at risk of forced labour.

The Committee notes from the Thai Government's Country Report on Anti-Human Trafficking Efforts (2023) that in 2023, there were 530 victims of trafficking, 469 of whom were Thai nationals. Among these, 398 were female and 132 were male. Of the total female victims, most were involved in sexual exploitation, with a total of 219 cases in 2023.

In terms of assistance to victims, the Committee notes that eight Welfare Protection Centres have been established. Within the framework of the NRM, foreign victims must submit their investigation history (case report) to the Division of Anti-Trafficking in Persons which shall be forwarded to the country of origin, in compliance with bilateral cooperation frameworks. If there is no agreement with the country of origin, the Thai Government shall seek coordination with the embassy or consulate to proceed with the repatriation. If the foreign victim of trafficking has been repatriated to his or her country of origin, assessments will be followed up via a case management meeting. In the case of national victims, the follow-up will be under the responsibility of the Welfare Protection Centre. The Government indicates that during the period from 2019 to July 2023, 471 victims returned to Thailand, and 620 were repatriated to their home countries. Between 2021 and 2023, a total of 9,594 victims received employment both in and outside the shelter with financial support from the Anti-Trafficking Fund. ***The Committee requests the Government to continue to take measures to protect and reintegrate victims and to provide information on the number of victims that have benefited from such measures under the National Referral Mechanism. In this regard, it requests the Government to specify the type of assistance given to victims of trafficking for sexual exploitation. Lastly, it requests the Government to provide information on the process of follow-up on the reintegration of victims of trafficking who returned to their country of origin.***

Article 4(1) of the Protocol. Access to remedies, such as compensation. The Committee notes that sections 32 and 33 of the Anti-Trafficking in Persons Law provides for measures to ensure reparations for forced labour victims, specifically in regards to their rights to claim for damages, obtain legal aid and be returned home. Section 35 of the Act provides that in cases where the trafficked person's right to compensation for damages is triggered, and the trafficked person expresses an intention to claim for these damages, a Public Prosecutor shall claim for these damages on their behalf. The Government further states that it has developed criteria for compensation for victims of trafficking in persons under section 35 of the Anti-Trafficking Act. Compensation can be of two types: monetary damages and non-monetary damages (such as damages for violations of human dignity, and damages to physical or mental health). In 2023, a total of 65 victims of trafficking inside shelters and 115 outside shelters issued claims for compensation. The Government further indicates that in addition to the Anti-Human Trafficking Fund, the Rights and Liberties Protection Department provides monetary assistance to victims of trafficking (including forced labour) through the Damages for the Injured persons and Compensation and Expenses for the Accused in Criminal Cases Act, B.E 2544 (2001) and its amendments (No. 2) when the trafficker has been found guilty in a criminal court. From January to July 2023, through the Damages for Injured Persons Act, compensation was granted to 148 victims of trafficking in persons. ***The Committee requests the Government to continue to ensure that remedies are made available to victims of forced labour, including compensation. It also requests the Government to specify if there is any form of State compensation that is not linked to the victims' participation in a criminal proceeding.***

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1969)

Previous comment: observation

Previous comment: direct request

Impact of the obligation to work of convicted prisoners on the application of Article 1 of the Convention. In its previous comments the Committee referred to section 48 of the Corrections Act B.E. 2560 (2017), according to which prisoners have a duty to follow the orders of prison officials, who have the power to order prisoners to carry out work in the prison, including public work or other work for the benefit of the government service.

The Government indicates in its report that section 48 is based on the prisoner's willingness and request that the work carried out by prisoners is rewarded and is an important process in behaviour development, and that it does not arise from threats of coercion or an intention to enforce compulsory labour as a means of punishment against prisoners. The Government adds that the Department of Corrections developed a framework for evaluating its performance in prison and correctional facility operations for 2023, which includes the appointment of a committee to determine, inter alia, the wage rate for the works done by prisoners, and for ensuring voluntary consent to work. Furthermore, the Government reiterates that the penalties specified for the criminal offences examined by the Committee under the Convention are not related to penalties of forced labour.

The Committee wishes to clarify that, in the context of the Convention, compulsory labour can take place either in the form of a sanction of imprisonment, involving an obligation to work (compulsory prison labour) or as a specific sanction of community, public or correctional work to which the person has not given his or her consent (2023 general observation). From the wording of section 48 of the Corrections Act B.E. 2560 (2017), the Committee observes that compulsory labour can be imposed by an order of the prison officials on inmates convicted to a sentence of imprisonment. The legislation does not refer to the consent of the convicted person to work nor to the possibility to request work. Therefore, the Committee considers that penalties of imprisonment may involve compulsory prison labour.

Article 1(a). Penal sanctions involving compulsory labour as a punishment for holding or expressing political views. 1. *Crime of lèse-majesté.* For a number of years, the Committee has requested the Government to review section 112 of the Criminal Code which provides that whoever defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of 3 to 15 years. It has noted that this provision has been used in practice to detain, prosecute and convict people with long-term prison sentences. The Committee notes that the Government reaffirms that the objective of section 112 of the Criminal Code is to protect the King, the Queen, the Heir-apparent and the Regent from abusive remarks, defamations or threats, similar to laws protecting individuals in general. In the Government's view, this is done to maintain security and peace within the country, without any intention to suppress or restrict freedom of expression.

The Committee further notes that, in their press release dated 25 March 2024, the United Nations Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on freedom of opinion and expression, and the Special Rapporteur on the independence of judges and lawyers expressed alarm over the use of Thailand's lèse-majesté laws to convict and sentence a member of Thai Lawyers for Human Rights to four years in prison.

The Committee recalls that the Convention protects persons who express political views or views ideologically opposed to the established political, social or economic system by establishing that in the context of these activities they cannot be punished by sanctions involving an obligation to work. The range of activities protected includes the right to freedom of expression exercised orally or through the press and other communications media. While recognizing that certain limitations may be imposed on this right to safeguard the public order or to protect society, such limitations must be strictly within the

framework of the law. Even if certain activities aim to bring about fundamental changes in state institutions, such activities are protected by the Convention, as long as they do not resort to or call for violent means to these ends.

Therefore, the Committee strongly urges the Government to take the necessary measures to review section 112 of the Criminal Code to ensure that this provision cannot be used to impose prison sentences (which involve compulsory labour) on persons who, without using or advocating violence, express certain political views, or views opposed to the established political system. The Committee requests the Government to provide information on any progress made in this respect.

2. *Offences under the Act on Political Parties.* In its previous comments, the Committee noted that sections 105 and 110 of the Organic Act on Political Parties B.E. 2560 (2017) provide for sanctions of imprisonment (involving compulsory prison labour) for a person who uses the name, initials or logo of a political party that is identical or cognate with the name, initials or logo of a political party which has been dissolved following a Constitutional Court order. The same sanction applies for the person who was holding a position as an executive committee member of such dissolved political party and was deprived of the right to apply as an election candidate and seeks to register a new political party or to participate in the foundation of a new political party for ten years as from the date of the dissolution of the political party.

The Committee notes that, on 12 August 2024, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed deep disappointment about the dissolution of the Move Forward Party (MFP) by the Constitutional Court. The United Nations experts referred to the use of the lèse-majesté law as a political tool to dissolve the party that won the largest number of seats and remove its parliamentarians from politics. It further notes that, on 8 August 2024, the United Nations High Commissioner for Human Rights also expressed concern at the Constitutional Court's ruling to dissolve the MFP and ban its senior figures from political life for ten years.

Based on this information and the principles recalled above, the Committee requests the Government to ensure that sections 105 and 110 of the Organic Act on Political Parties B.E. 2560 (2017) are not used to impose prison sanctions involving compulsory prison labour on persons for expressing political views contrary to the established system, including as members of a political party. In this regard, the Committee requests the Government to provide examples of any judicial decision taken on the basis of such provisions.

Article 1(d). Sanctions involving compulsory labour for participation in strikes. Criminal Code. For a number of years, the Committee has requested the Government to review section 117 of the Criminal Code, according to which whoever instigates or causes a strike, lockout or concerted cessation of trade or business with any person for the purpose of bringing about any change in the laws of the country, coercing the Government or intimidating the people, shall be punished with imprisonment (involving compulsory prison labour). The Committee notes the Government's indication that both employers and workers are allowed to take part in general strike action based on the conditions that it should not cause an obstruction to economic activities through business disruptions, or even the scarcity of goods and services that can have adverse consequences on the general population. It adds that strikes or lock-outs for political purposes are not permissible and that provisions like section 117 of the Penal Code are aimed at maintaining national stability and peace.

The Committee wishes to recall the principle that participation in strikes, including in essential services, shall not be subject to penal sanctions involving compulsory prison labour when the existence or well-being of the whole or part of the population is not endangered and there is no recourse to violence. Such sanctions could be envisaged only where, during a strike, violence against persons or property, or other serious infringements of penal law have been committed or when the existence or well-being of the whole or part of the population is endangered. ***Therefore, the Committee once again***

urges the Government to take measures, without delay, to review section 117 of the Penal Code to ensure that no sanction of imprisonment involving compulsory labour may be imposed as a punishment for peaceful participation in strikes when the existence or well-being of the whole or part of the population is not endangered.

The Committee is raising other matters in a request addressed directly to the Government.

Trinidad and Tobago

Forced Labour Convention, 1930 (No. 29) (ratification: 1963)

Previous comment

Articles 1(1) and 2(1) of the Convention. Trafficking in persons. 1. *Institutional framework.* The Committee welcomes the adoption of the National Plan of Action against Trafficking in Persons 2021–2025. The Plan of Action outlines measures to improve the detection and identification of victims and to ensure the successful prosecution of cases of trafficking (United Nations press release of 19 October 2023). The Committee further notes that the *Situational Assessment: An Analysis of the Victim Care Environment to Support Survivors of Human Trafficking in Trinidad and Tobago*, published by the International Organization for Migration (IOM) in 2022, highlights that: (i) the National Task Force Against Trafficking in Persons, established under the Trafficking in Persons Act, has not been functional; (ii) the assumption of core roles by key agencies as stipulated by the Act has been stalled; (iii) the impact evaluation of the implementation of the Act is limited; and (iv) the existing prevention methods are inadequate.

The Committee hopes that the adoption of the National Plan of Action against Trafficking in Persons 2021–2025 and the measures taken for its implementation will help to strengthen the fight against trafficking, and requests the Government to provide information on:

- ***the measures taken under the National Plan of Action, including in the area of prevention;***
- ***the results of any assessment made by the National Task Force to measure and evaluate the progress of the country in the fight against trafficking, as provided for under section 5 of the Trafficking in persons Act;***
- ***the activities of the National Task Force against Trafficking in Persons, including information on any challenges it faces in fulfilling its mandate.***

2. *Protection of victims.* The Committee notes that the Trafficking in Persons Act provides for detailed specific measures for the protection of and assistance to victims of trafficking in persons. Pursuant to section 37 of the Act, victims of trafficking who are not nationals of Trinidad and Tobago and their accompanying dependent children, may receive for the duration of their stay in Trinidad and Tobago, assistance for appropriate housing, education and training opportunities; psychological counselling; legal assistance and legal information; and medical assistance; as well as temporary residence permits. The Committee further notes that, according to the IOM Situational Assessment, there is a lack of shelter for victims of trafficking and there are no clear procedures for the treatment of victims. ***The Committee requests the Government to provide information on the specific measures taken to ensure that the victims of trafficking, both nationals and non-nationals, are provided with the assistance established in Part VI of the Trafficking in Persons Act. It also requests the Government to provide information on the number of victims of trafficking in persons who have been identified and benefited from such assistance. It also requests the Government to provide information on the number of shelters available for victims of trafficking in persons.***

3. *Enforcement and effective application of penalties.* In reply to the Committee's request for information on pending cases of trafficking in persons, the Government indicates in its report that there are eight cases before the High Court in which the accused are awaiting trial, and that there have been

no convictions. The Government also indicates that no person was charged in the three cases of forced labour involving victims of Chinese origin that were previously identified by the Counter-Trafficking Unit.

The Committee notes that, in its 2023 concluding observations, the United Nations Human Rights Committee expressed its concern at the low number of investigations, convictions and sanctions for perpetrators. The Human Rights Committee also expressed concern about reports indicating that officials, including law enforcement officers, are complicit in trafficking in persons offences and in the sexual exploitation of women (CCPR/C/TTO/CO/5). The Committee further notes that, according to the IOM Situational Assessment, the number of cases of trafficking in persons has increased and that most of the victims are Venezuelan nationals. While sexual exploitation is the most prevalent form of exploitation, there have also been cases of labour exploitation in sectors such as agriculture, domestic work and construction.

The Committee notes this information with ***concern*** and recalls that *Article 25* of the Convention requires governments to ensure that penalties imposed by law for the exaction of forced labour are adequate and are strictly enforced. The Committee also observes the absence of information from the Government on convictions issued in trafficking cases since the enactment of the Trafficking in Persons Act in 2011. ***The Committee requests the Government to take measures to strengthen the capacities of law enforcement officers to properly identify cases, undertake investigations and, on this basis, prosecute and impose adequate sanctions on perpetrators of trafficking in persons under the Trafficking in Persons Act. The Committee requests the Government to provide detailed information in this regard, as well as on the number of investigations undertaken and convictions handed down on cases of trafficking in persons, both for sexual and labour exploitation, indicating the type of penalty applied.***

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1963)

Previous comment

Article 1(c) of the Convention. Sanctions involving compulsory labour for various breaches of labour discipline. The Committee previously requested the Government to review the following provisions of the Shipping Act (Chapter 50:10), which provide for sanctions involving compulsory prison labour (by virtue of sections 251 and 269(3) of the Prison Rules) for breaches of labour discipline in circumstances where the life, personal safety and health of persons are not endangered:

- section 157(1) pursuant to which a seaman or apprentice engaged on a ship is liable to imprisonment when he or she:
  - (a) wilfully disobeys any lawful command,
  - (b) continually disobeys any lawful command, or continually and wilfully neglects his or her duty,
  - …
  - (e) combines with any of the crews to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage.
- section 158 which provides that where a seaman lawfully engaged or an apprentice belonging to a Trinidad and Tobago ship:
  - (a) deserts from his or her ship or neglect or
  - (b) refuses without reasonable cause to join his or her ship or to proceed to sea in his or her ship is liable to imprisonment (involving compulsory prison labour).

The Committee notes the Government's information that the Shipping Bill, 2020, which seeks to repeal and replace the Shipping Act (Chapter 50:10), was prepared and sent to Parliament in 2020. The

Bill repeals sections 157(1)(b) and (c) and section 158(a) and (b). Moreover, the Bill modifies section 157(1)(e) by replacing the penalty of imprisonment by an administrative fine. The Government indicates that the Shipping Bill is currently before a Joint Select Committee of the Trinidad and Tobago Parliament, which is conducting a clause-by-clause review of the Bill. ***The Committee takes due note of the measures taken by the Government to review the Shipping Act based on the Committee's comments. It hopes that the Shipping Bill will be adopted by Parliament without delay and will ensure conformity with the Convention by removing sanctions of prison for breaches of discipline that do not endanger the life or the personal safety and health of persons. Lastly, the Committee requests the Government to provide a copy of the new legislation once adopted.***

Article 1(c) and (d). Disciplinary sanctions for certain public servants. For a number of years, the Committee has requested the Government to review section 8(1) of the Trade, Disputes and Protection of Property Act, which provides for penalties of imprisonment involving compulsory labour for a person employed in certain public services, who wilfully and maliciously breaks a contract of service (the services not being limited to services whose interruption might endanger the life, personal safety or health of the whole or part of the population).

The Committee notes the Government's indication that a research paper for the amendments of the Act was completed in January 2023, and that workers' and employers' organizations were consulted thereon. Based on their contributions, a policy position paper will be prepared and submitted to the Ministry of Labour for review and approval. The Government specifies that the issue concerning penalties of imprisonment for peaceful participation in strikes will be taken into consideration during the ongoing process to amend the Trade Disputes and Protection of Property Act.

The Committee takes due note of the steps taken by the Government to review the Trade Disputes and Protection of Property Act and requests it to continue taking measures to ensure that no penalties involving compulsory labour be imposed on public servants for breaking a contract of service, when such interruption does not endanger the life, personal safety, or health of the whole or part of the population. The Committee requests a copy of the amended legislation once adopted.

Article 1(d). Sanctions involving compulsory labour for participating in strikes. For a number of years, the Committee has been drawing the Government's attention to the following legislative provisions of the Industrial Relations Act (Chapter 88:01), which provide for sanctions of imprisonment (involving compulsory prison labour) that could be applied for participating in strikes:

- section 67(3) of the Industrial Relations Act, which provides for sanctions of imprisonment for an employer or worker that takes part in industrial action if he or she carries on or is engaged in an essential service;
- section 69 of the Industrial Relations Act, which provides for sanctions of imprisonment for members of the public service, prison service, fire service, teaching service or the Central Bank who take part in any industrial action.

The Committee notes the Government's indication that the process of reviewing the Industrial Relations Act is still under way, pending pronouncement from the Cabinet on a policy paper prepared for this purpose. It observes that the Government specifies that the policy paper does not address the issue of the imposition of sanctions of imprisonment for participation in strikes. The Committee notes with ***regret*** that, despite its reiterated comments, the above-mentioned provisions have not yet been reviewed.

In this respect, the Committee has continuously emphasized that no penal sanctions (including imprisonment involving compulsory labour) should be imposed against a worker for having peacefully carried out a strike and thus for merely exercising an essential right. Such sanctions could be envisaged only where, during a strike, violence against persons or property, or other serious infringements of penal law have been committed or when the existence or well-being of the whole or part of the population is endangered.

Therefore, the Committee urges the Government to review sections 67(3) and 69 of the Industrial Relations Act to ensure that, unless the well-being of the whole or part of the population is endangered, no penal sanctions can be imposed on essential services workers for participating in strikes peacefully. The Committee also refers to its comments under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87).

Türkiye

Forced Labour Convention, 1930 (No. 29) (ratification: 1998)

Previous comment

The Committee notes the observations of the Turkish Confederation of Employers' Associations (TİSK), the Confederation of Turkish Trade Unions (TURK-IS), and the Confederation of Progressive Trade Unions of Turkey (DISK) communicated with the Government's report.

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. *Institutional framework and coordination.* The Committee notes, from the Government's report, that the Coordination Board for Combating Human Trafficking, replacing the previous Coordination Commission for Combating Human Trafficking, conducts meetings every year in order to effectively strengthen coordination and cooperation between institutions and organizations. Furthermore, the Committee notes that the Human Rights and Equality Institution of Türkiye (TİHEK) has been designated as the National Rapporteur Agency to examine and report the activities carried out in combating human trafficking and to monitor and evaluate the implementation of the activities undertaken in this regard. The Committee welcomes the first report of the TİHEK, which highlights the need for: (i) developing a third comprehensive National Action Plan against Trafficking in Persons, clearly defining the responsibilities of all stakeholders; (ii) enhancing inter-institutional cooperation to identify victims of trafficking, including among migrants in situations of irregularity; and (iii) providing regular, systematic training on trafficking in persons across all levels.

The Committee requests the Government to continue its efforts to combat trafficking in persons, including taking the necessary measures to ensure the adoption and effective implementation of a third National Action Plan against Trafficking in Persons. It requests the Government to provide information on the activities of the Coordination Board for Combating Human Trafficking, as well as any additional assessments conducted by TİHEK concerning anti-trafficking initiatives.

2. *Prosecution and application of penalties.* In response to its previous comments, the Committee notes the detailed information provided by the Government on various training activities on combating trafficking in persons carried out for the gendarmerie and coast guard personnel, judges, prosecutors and labour inspectors. The Government also indicates that, to address the issue of trafficking in persons, the Department of Border Gates and Combating Immigrant Smuggling (DBG and CIS) of the Directorate General of Security conducts investigations into individuals previously identified as suspects in human trafficking-related crimes to assess whether they remain involved in such activities. Moreover, in 2021–22, the DBG and the CIS, in coordination with the Ministry of Labour and Social Security, carried out unannounced inspections at various entertainment venues to prevent trafficking in persons.

The Committee notes the TİSK's observation that, in 2019, the offences of trafficking in persons and facilitating unlawful immigration were added to the list of offences under section 100 of the Criminal Procedure Law, which outlines grounds for arrest with a warrant. This amendment enables the detention of a suspect when concrete evidence of their involvement in such crimes exists, thereby increasing the deterrent effect by detention during the investigation phase.

The Committee further notes, from the Government's report, that under section 80 of the Penal Code, 1,726 cases related to trafficking in persons were filed against 2,224 suspects between 2020 and 2023. These cases resulted in 154 convictions and 756 acquittals, while the remaining concluded with

other verdicts. The Committee notes that the Government has not provided any information regarding the penalties imposed in these cases. In this regard, the Committee notes that the United Nations Committee on the Elimination of Discrimination against Women, in its 2022 concluding observations, expressed its concern at the under-reporting of and low conviction rates in trafficking cases (CEDAW/C/TUR/CO/8).

The Committee requests the Government to continue taking measures to strengthen the capacity of law enforcement bodies to effectively identify cases of trafficking in persons, and to conduct thorough investigations to gather the evidence required for the prosecution and conviction of perpetrators. In this regard, it requests the Government to continue to provide information on the training and capacity-building of law enforcement authorities, as well as on measures to ensure greater coordination among these bodies. It also requests the Government to continue providing information on the number of prosecutions, convictions and specific penalties applied pursuant to section 80 of the Penal Code.

3. *Protection and assistance for victims.* The Committee notes the Government's information that, pursuant to a 2022 Decision of the Coordination Board, anti-trafficking liaison officers were appointed by the Provincial Commands of Gendarmerie in 81 provinces. These officers are tasked with establishing a cooperation mechanism with other public institutions and organizations to facilitate the identification of individuals considered victims of human trafficking and to ensure the delivery of support services to them. Over 51,000 brochures and information documents on various aspects of trafficking in persons, including guidance for interviewing and approaching victims of trafficking, were prepared and shared with 81 Provincial Commands of Gendarmerie in order to provide information and raise the awareness of personnel. According to the data provided by the Government, from 2020 until the first half of 2023, a total of 1,152 victims of trafficking (including 932 women and 220 men) were identified. Of these, 441 victims received assistance from victim support programmes, while 235 benefited from the Voluntary and Safe Return Programme. The Government further indicates that there are currently two shelters for foreign victims of trafficking, with ongoing efforts to establish two more shelters by the end of 2024.

The Committee also notes the Government's information that the emergency helpline 157 for victims of trafficking has expanded its service network and is now operating under the name of Foreigners Communication Centre (YIMER-ALO 157) enabling it to provide multilingual information, support and assistance to foreigners. This includes information on issues related to visas and residence permits, international and temporary protection, and services for foreigners who are victims of migrant smuggling at sea, the identification of victims of human trafficking and rescue operations. According to the Government's report, this service has had a significant impact, resulting in the rescue of 596 victims in 2020, 637 victims in 2021, 1,024 victims in 2022, and 265 victims in the first half of 2023.

The Committee encourages the Government to pursue its efforts to ensure that victims of trafficking in persons are provided with protection and assistance for their rehabilitation and recovery. It requests the Government to provide information on the action taken in this regard by the anti-trafficking liaison officers and its impact on the identification of victims of trafficking. It further requests the Government to continue to provide information on the victims of trafficking in persons identified and rescued, and to provide information on the protection and assistance they received (including temporary residence permits and recovery periods).

The Committee is raising other matters in a request addressed directly to the Government.

Turkmenistan

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1997)

The Committee notes the detailed discussion that was held by the Committee on the Application of Standards (Conference Committee) at the 112th Session of the International Labour Conference (June 2024), regarding the application of the Convention by Turkmenistan. It notes that the Conference Committee requested the Government to provide a detailed report on the implementation of the recommendations it adopted on the occasion of the discussion before 1 September 2024.

The Committee also takes note of the observations of the International Organisation of Employers (IOE), received on 30 August 2024, which reiterate their comments made during the Conference Committee discussion and express the hope that progress will be made in the application of the Convention by Turkmenistan, in line with the conclusions of the Conference Committee. The Committee further takes note of the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024, which call on the Government to take effective and time-bound measures to give effect to the conclusions of the Conference Committee. ***The Committee requests the Government to reply to the observations of the ITUC.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the Government's report received on 31 August 2023. It also takes note of the observations of the International Organisation of Employers (IOE), received on 1 September 2023. Moreover, it notes the observations of the International Trade Union Confederation (ITUC), received on 27 September 2023, and the Government's reply to the ITUC's observations, received on 27 October and 9 November 2023. The Committee further takes note of the report on the implementation of the 2023 road map for cooperation between the ILO and the Government of Turkmenistan (implementation report), produced following the visit of the independent ILO mission on the observance of the conditions of work and recruitment of cotton pickers during the 2023 harvest.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, June 2023)

The Committee notes the detailed discussion by the Conference Committee on the Application of Standards (Conference Committee), which took place in June 2023 during the 111th Session of the International Labour Conference.

Article 1(b) of the Convention. Imposition of forced labour as a method of mobilizing and using labour for purposes of economic development. Cotton production. The Committee notes that, in its conclusions adopted in June 2023, the Conference Committee deplored the persistence of the widespread use of forced labour in relation to the annual state-sponsored cotton harvest in Turkmenistan and the Government's failure to make any meaningful progress on the matter since the Conference Committee discussed the case in 2016 and 2021. The Conference Committee further urged the Government, in consultation and cooperation with the social partners, to: (i) ensure the full implementation of the road map for cooperation between the ILO and the Government; (ii) reinforce its efforts to ensure the complete elimination of the use of compulsory labour of public and private sector workers, as well as students, in state-sponsored cotton production; (iii) eliminate the compulsory quota system for production and harvesting of cotton; (iv) issue clear instructions on the prohibition of the use of forced labour and strengthen labour inspection and law enforcement; (v) prosecute and sanction appropriately any public official who participates in the forced mobilization of workers for the cultivation or harvest of cotton; and (vi) promote social dialogue in cotton production and continue engaging in cooperation with the ILO and relevant organizations of workers and employers to ensure the full application of the Convention in practice.

The Committee takes note of the Government's information in its report concerning the measures taken in the framework of the implementation of the road map for cooperation between the ILO and the Government for 2023 (road map), which was adopted in March 2023 following several ILO high-level technical assistance missions. This road map covers activities in the following six areas: (1) a review of the policy and administrative framework governing the cotton harvest; (2) improvement of labour inspection

and law enforcement; (3) promotion of full, productive and freely chosen employment in the cotton sector; (4) improvement of cotton production and harvesting; (5) design and implementation of awareness-raising activities; and (6) promotion of social dialogue in cotton production. In particular, the Government indicates that: (1) an analysis has been carried out of the current legislative framework with regard to the application of the Convention and the resulting draft legislative acts were submitted to Parliament; (2) meetings were held with the participation of the relevant ministries and agencies, social partners and ILO representatives to discuss compliance of the legislation and law enforcement practices with the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and to proceed towards the ratification of these Conventions; (3) there are ongoing efforts to produce a qualitative study of recruitment practices for the cotton harvest and a quantitative study to assess cotton harvesting trends over the past five years; (4) a technical workshop was held during the ILO mission in July 2023 to discuss seasonal and casual employment in Turkmenistan's agricultural sector; (5) in 2021–22, more than 200 awareness-raising meetings, workshops and round tables were held to address fair employment issues throughout the country; and (6) the social partners are actively involved in implementing all the measures set out in the road map.

The Committee further notes from the ITUC's observations that despite the Government's engagement with the ILO and the adoption of the road map, forced labour practices in cotton production are still prevalent on a massive scale in Turkmenistan. Moreover, the ITUC points out the increased pressure on the heads of state-owned enterprises to mobilize workers to the cotton fields in 2022. In particular, tens of thousands of public sector employees, including teachers, doctors, cultural workers, and civil servants, were mobilized to pick cotton to meet the State's cotton harvest plan. Cotton pickers were forced to work under hazardous and unsanitary conditions, including in temperatures ranging from -10°C in December to +40°C in August with no shade and an inadequate supply of drinking water. While cotton pickers were exposed to chemicals, they received no warning or protective equipment, and no medical care. They had also to pay for food, water, transportation, and accommodation. The ITUC further indicates that persons were forced to pay for replacement pickers in order not to participate in cotton harvesting. In 2022, the replacement fee varied between 20 to 60 manats per day (about US$1–3), while the average teacher's salary is between 1,300–1,400 manats per month (about US$65–70).

The Committee notes the Government's reply to the ITUC's observations reiterating the measures taken to ensure the implementation of the road map and indicating its intention to discuss the prospects for long-term cooperation with the ILO in the event of the successful implementation of the road map. The Government further refers to the information prepared by the National Centre of Trade Unions of Turkmenistan (NCTU) which indicates that the NCTU did not receive any complaints about the use of forced labour from workers during the cotton harvest. The NCTU further indicates that in some regions of Turkmenistan, local authorities and farmers, in collaboration with employment services, organize the voluntary recruitment of cotton pickers, who are provided with transport and food and receive wages depending on the amount of cotton harvested.

The Committee notes that the IOE, in its observations, expresses hope that progress will be made in the application of the Convention, in line with the Conference Committee's conclusions and in close consultations with the most representative employers' organization in Turkmenistan.

The Committee further notes that in its 2023 concluding observations, the United Nations Human Rights Committee expressed remaining concern about the widespread use of the forced labour of civil servants during the cotton harvest (mainly women) under threat of such penalties as the loss of wages or salary cuts and the termination of employment as well as other sanctions (CCPR/C/TKM/CO/3).

The Committee also notes that, with the acceptance of the Government, an independent ILO observance mission of the conditions of work and recruitment of cotton pickers, by ILO staff and independent consultants recruited by ILO, took place during the 2023 harvest in October 2023. The Committee notes that, according to the information contained in the implementation report, initial findings from this observance mission indicate direct or indirect evidence of mobilization of public servants in all regions visited (Ahal, Lebap, Dashoguz and Mary provinces) except for Ashgabat City.

While taking due note of the Government's collaboration with the ILO in the framework of the road map and during the observance of the cotton harvest in 2023, the Committee reiterates its ***deep concern*** about the continued practice of forced labour in the cotton sector. ***The Committee strongly urges the Government to strengthen its efforts to ensure the complete elimination of the use of compulsory labour***

of workers, particularly from the public sector, in cotton production. In this regard, the Committee urges the Government to continue to engage with the ILO and the social partners, within a cooperation framework, to ensure the full application of the Convention in practice. It requests the Government to continue to take measures to implement the various components of the road map and to continue to provide information on the concrete measures taken in this respect, including measures to further raise public awareness on this subject and to monitor the cotton harvest.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Uganda

Forced Labour Convention, 1930 (No. 29) (ratification: 1963)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. 1. *Trafficking in persons.* The Committee notes that the National Action Plan for Prevention of Trafficking in Persons for 2019–2024 sets as specific objectives to: (i) strengthen the institutional capacity to effectively respond to trafficking in persons; (ii) improve the legal and policy framework; (iii) improve access to protection and assistance for victims; (iv) strengthen prevention mechanisms; (v) strengthen investigation, prosecution and adjudication of cases of trafficking in persons; and (vi) build strong and effective partnerships at national, regional and international levels. According to the Action Plan, Uganda remains a source, transit and destination country with cases of trafficking in persons consistently increasing since 2015 and the number of cases of internal trafficking much higher than that registered by the Government authorities. In this regard, the Committee notes that, in November 2023, the Coordinator for the Prevention of Trafficking in Persons (COPTIP) called upon the members of the District Task Forces established in the regions of Arua, Kyotera, Tororo and Kasese, to intensify their efforts in the fight against trafficking in persons in their respective areas of jurisdiction, as a result of the increase in cases of internal trafficking in persons. It also notes that a five-year communication strategy to complement the Action Plan was launched in December 2023 in order to increase awareness of trafficking in persons among the general public and first responders.

The Committee notes, from the 2023 interim evaluation report of the ILO CAPSA project, which seeks to build the capacity of the Government to combat more effectively child labour, forced labour and violations of conditions of work, that training was provided to improve stakeholders' ability to refer victims of trafficking. In this regard, the Government indicates in its report, that the greater use of the 2020 National Referral Guidelines for management of victims of trafficking in persons led to more cases of trafficking in persons being identified and reported in 2022. Furthermore, 323 prosecutors in the Office of the Director of Public Prosecution are now handling issues related to trafficking in persons. The Committee observes, from the 2023 Annual Crime Report of the Uganda police force, that the number of cases of trafficking reported decreased from 668 in 2022 to 496 in 2023, out of which 177 cases were taken to court, 27 cases led to convictions, and 133 cases are still pending in court. A total of 26 sentences of imprisonment and 2 sentences of fines were handed down, and 614 adult victims of trafficking were identified.

The Committee requests the Government to continue to take measures to prevent and address trafficking in persons, including internal trafficking, which is on the rise, as well as to better identify, protect and support victims of trafficking. Observing that the National Action Plan for Prevention of Trafficking in Persons ends in 2024, the Committee requests the Government to provide information regarding the final evaluation of the implementation of the six objectives set forth in the above-mentioned Action Plan, as well as on any new action plan elaborated as a follow-up. Furthermore, the Committee requests the Government to continue to provide information on the number of cases of

trafficking identified and investigated, prosecutions and convictions, as well as on the nature of the penalties imposed on perpetrators.

2. *Vulnerable situation of Ugandan migrant workers with regard to the exaction of forced labour*. The Committee notes the Government's indication that pre-departure orientation training and other services are being offered to migrant workers, while there is no plan to institute post-arrival training for the workers upon their arrival in the destination countries. As regards the monitoring of recruitment agencies, the Government states that, in 2022–2023, six licences for recruitment agencies were suspended for engaging in fraudulent and exploitative recruitment activities and one licence was revoked for a company in the Middle East. The Government adds that a ban was placed on licensing of recruitment agencies in February 2023 in order to consolidate its efforts to protect migrant workers' rights. In addition, training on ethical recruitment of migrant workers and of labour attachés in foreign countries was conducted, in collaboration with the ILO and International Organization for Migration while it is planned to post labour attachés to the various embassies in countries with a high number of migrant workers such as the United Arab Emirates and Qatar. In this regard, the Committee notes that the Uganda Labour Migration Information System (LMIS) has been set up, in collaboration with the ILO, and should be effectively implemented by the end of 2024.

As regards agreements concluded with receiving countries to protect migrant workers' rights, a Bilateral Labour Service Agreement was signed between Uganda and Saudi Arabia in May 2023; other services agreements are currently under negotiation with Qatar and the United Arab Emirates and negotiations should also start with Jordan and Oman. The Committee notes that, in January 2024, the COPTIP held a National Task Force meeting to find ways on how to best protect migrant workers, and highlighted that most migrant workers are often duped or promised jobs and scholarships that do not always exist and result in different forms of labour and sexual exploitation. The Government indicates in this regard that over 4,000 Ugandan victims of trafficking were repatriated from the United Arab Emirates between January and March 2023, as well as 200 victims from India between July 2022 and March 2023.

The Committee takes due note of the measures taken to protect Ugandan migrant workers' rights and encourages the Government to pursue its efforts to prevent migration-related abuse, and exploitation and trafficking of migrant workers. The Committee requests the Government to provide information on the negotiation and implementation of Bilateral Service Agreements concluded with destination countries; the monitoring of the activities of recruitment agencies, indicating the violations observed and the sanctions imposed; and the measures taken to provide Ugandan migrant workers with access to information on fair migration channels and support services, as well as on pre-departure orientation training and other services provided to them.

3. *Law enforcement.* The Committee notes the Government's indication that weak implementation of the legal provisions persists as a result of the limited knowledge of what constitutes forced labour, with forced labour being still prominent in the informal sector and domestic work where labour inspections are minimal as the national legislation does not expressly qualify households as workplaces liable for inspection. The Government refers to the inadequate financial resources for law enforcement authorities which also affects the regularity in monitoring forced labour in workplaces and indicates that recruitment of additional inspectors into the Employment Service Department is planned. ***The Committee requests the Government to continue its efforts to strengthen the capacity and resources of law enforcement officials to identify and prosecute forced labour cases in at-risk sectors, including through the provision of appropriate training. It also requests the Government to provide information on the activities of labour inspectors to monitor compliance with the legal provisions enshrining workers' rights and protecting them from forced labour practices (including the number of fines imposed and cases referred to the judicial authorities), as well as on the number of prosecutions initiated and convictions and penalties applied in cases of forced labour.***

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1963)

Previous comment: observation

Previous comment: direct request

Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. The Committee recalls that several provisions of the national legislation provide for penalties of imprisonment (involving compulsory prison labour under section 61 of the Prisons Regulations, 2012) in circumstances which may fall within the scope of *Article 1(a)* of the Convention, namely:

- provisions of the Public Order and Security Act No. 20 of 1967, empowering the executive to restrict an individual's association or communication with others, independently of the commission of any offence;
- sections 56(2)(c), 57 and 58 of the Penal Code, empowering the minister to declare any combination of two or more people an unlawful society and thus rendering any speech, publication or activity on behalf of, or in support of, such a combination, illegal; as well as sections 50 (publication of false news), and 179 (libel);
- sections 5(8) and 8(4) of the Public Order Management Act No. 9 of 2013, respectively for disobedience of statutory duty in case of organizing a public meeting without any reasonable excuse, and for disobedience of lawful orders during public meetings;
- sections 40 and 44(f) and (g) of the Non-Governmental Organizations Act No. 1 of 2016, for engaging in any act which is prejudicial to the interests of Uganda and the dignity of the people of Uganda; or engaging in fundraising or campaigning to support or oppose any political party or candidate for an appointive office or elective political office; and
- sections 11, 12 and 16 of the Anti-Terrorism Act No. 14 of 2002, as amended, read in conjunction with sections 7(2)(d) and (g) defining the offence of terrorism.

Recalling that in 2020, the Constitutional Court declared that section 8 of the Public Order Management Act was unconstitutional and therefore null and void, the Committee notes the Government's indication, in its report, that there is a need to revise the provisions of the Public Order and Security Act, Penal Code and Public Order Management Act.

As regards the Non-Governmental Organizations Act, the Committee notes that, in its 2023 concluding observations, the United Nations Human Rights Committee was concerned that custodial sentences can be imposed on non-governmental organizations' personnel for administrative offences and that non-governmental organizations working in the field of good governance and election monitoring had their bank accounts frozen in the period prior to and after the 2021 general election, for alleged involvement in terrorism financing activities, which prevented them from carrying out their work (CCPR/C/UGA/CO/2).

The Committee further notes that several provisions of the Computer Misuse Act No. 2 of 2011, as amended by the Computer Misuse (Amendment) Act of 2022, provide for penalties of imprisonment (involving compulsory prison labour) in circumstances which may fall within the scope of the Convention, namely for offensive communication (section 25); information that is likely to ridicule another person or create divisions among persons (section 26A(1)); malicious information (section 26C); and misuse of social media (section 26D). In this regard, the Committee takes due note that, on 10 January 2023, the Constitutional Court (Constitutional Petition No. 5 of 2016) declared section 25 of the Computer Misuse Act as "vague, overly broad and ambiguous" and therefore null and void for being contrary to the right to freedom of peaceful assembly guaranteed under article 29(1) of the Constitution.

It further notes that, in its 2023 concluding observations, the United Nations Human Rights Committee expressed concern at overly broad and vaguely defined provisions in Uganda's legal framework, including the Computer Misuse Act, which are reportedly used to suppress voices critical of the executive, including journalists, writers and human rights defenders, and restrict media coverage of political opposition activities. The Human Rights Committee was also concerned that such laws, which contain severe penalties including custodial sentences, combined with insufficient regulation of surveillance activities, may lead to increasing self-censorship; and was also concerned at reports of arbitrary arrests and detention and physical attacks on journalists, particularly in the context of reporting on elections and protests (CCPR/C/UGA/CO/2).

The Committee notes with ***concern*** this information and recalls that *Article 1(a)* of the Convention prohibits the use of compulsory labour, including compulsory prison labour, as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. The range of activities which must be protected, under this provision, from punishment involving forced or compulsory labour thus comprises the freedom to express political or ideological views (which may be exercised orally or through the press and other communications media), as well as various other generally recognized rights, such as the right of association and of assembly, through which citizens seek to secure the dissemination and acceptance of their views (see the 2012 General Survey on the fundamental Conventions, paragraph 302). ***The Committee once again urges the Government to take the necessary measures to ensure that, both in law and in practice, no penalties involving compulsory prison labour can be imposed on persons who peacefully express political views or views ideologically opposed to the established political, social or economic system. It expresses the firm hope that measures will be taken without delay regarding the revision of the above-mentioned provisions of the Public Order and Security Act No. 20 of 1967, the Penal Code, the Public Order Management Act No. 9 of 2013 and the Computer Misuse Act No. 2 of 2011, as amended, to ensure the observance of the Convention. The Committee also requests the Government to ensure that the above-mentioned provisions of the Non-Governmental Organizations Act No. 1 of 2016 and the Anti-Terrorism Act No. 14 of 2022, as amended, are not used to sanction persons who peacefully express political views or views ideologically opposed to the established political, social or economic system, and requests information on their application in practice, including on the number of legal actions initiated, the penalties imposed and the acts that gave rise to these convictions.***

Article 1(d). Penal sanctions involving compulsory labour as a punishment for having participated in strikes. The Committee recalls that several provisions of the Labour Disputes (Arbitration and Settlement) Act, 2006, provide that penalties of imprisonment (involving compulsory prison labour) can be imposed in the case of the organization of a strike or other industrial action declared unlawful or of collective withdrawal in essential services considered illegal (sections 28(6); 29(2) and (3) and 33(1) and (2) of the Act). In the absence of any updated information provided by the Government in this respect, the Committee recalls that, in accordance with *Article 1(d)* of the Convention, persons who organize or peacefully participate in a strike cannot be liable to penal sanctions involving compulsory labour. The Committee refers, in this regard, to its 2023 general observation on the application of the Convention as well as its 2022 observation on the application of the Freedom of Association and Protection of the Rights to Organise Convention, 1948 (No. 87). ***The Committee once again urges the Government to take the necessary measures to ensure that the Labour Disputes (Arbitration and Settlement) Act, 2006, is amended so that workers who participate peacefully in a strike are not liable to sanctions of imprisonment involving compulsory labour.***

United Arab Emirates

Forced Labour Convention, 1930 (No. 29) (ratification: 1982)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. 1. *Legal framework concerning migrant workers.* The Committee notes the Government's information, in its report, regarding the reform of its labour legislation through the adoption of: (1) Federal Decree-Law No. 33 of 2021 on the regulation of employment relationships in the private sector (excluding domestic work), supplemented by Cabinet Decision No. 1 of 2022 on the Implementing Regulation of Federal Decree-Law No. 33; and (2) Federal Decree-Law No. 47 of 2021 concerning the Unified General Rules of Labour which establishes minimum rights for all private sector workers, covering equal opportunities, wages, working hours, annual leave, maternity, sick and parental leave, and public holidays.

The Committee also notes the adoption of Federal Decree-Law No. 9 of 2022 on domestic workers and Cabinet Resolution No. 106 of 2022 on the Executive Regulations of the Federal Decree-Law, which encompass various aspects of the employment conditions for domestic workers, such as working hours, leave entitlements, and safety and health protocols, as well as the duties and responsibilities of both employers and workers. Supplementing these laws are various implementing regulations, including Ministerial Resolution No. 674 of 2022 on labour relations for domestic workers and Ministerial Resolution No. 676 of 2022 on domestic labour recruitment agencies.

(i) *Recruitment process*. The Committee notes that under section 8 of Federal Law No. 33 of 2021, employers are required to use the contract models specified in the implementing regulations. Ministerial Resolution No. 46 of 2022 regarding work permits, job offers, and employment contract forms, mandates employers to use approved contract forms matching job offers when applying for work permits. The Committee notes the Government's information regarding the number of work permits in the private sector – issued pursuant to the signed contracts registered in the Ministry of Human Resources and Emiratisation (MOHRE) database prior to visa issuance – which adhere to procedures ensuring workers are informed about job details and wages in a language they understand (for example, 2,150,645 permits registered in 2022 and 1,620,801 permits in the first half of 2023). The Committee further notes that section 6 of Federal Law-Decree No. 33 of 2021 establishes the prohibition on employers from charging workers recruitment fees. The Government provides information on complaints filed by workers seeking reimbursement of such fees, including 6,418 complaints in 2020 and 3,292 complaints in 2021 to the MOHRE regarding fees charged unlawfully in the private sector.

In the domestic work sector, the Committee notes the Government's information that 243,961 work permits were issued by the MOHRE in 2022, with an additional 152,544 permits issued in the first half of 2023. Under Federal Decree-Law No. 9 of 2022, domestic workers may only be employed if they hold a valid work permit issued by the MOHRE (section 4). The law also outlines key principles for recruitment agencies, including requirements to provide workers with detailed information about job conditions and wages, prohibit the collection of fees from workers, offer suitable temporary accommodation, and ensure that workers are informed of their rights (section 5). Section 6 provides that recruitment agencies and employers must adhere to a standardized contract, delineating their rights and obligations. These obligations are reinforced by Cabinet Resolution No. 106 of 2022, which requires recruitment offices to demonstrate that they cover all commission payments, ensuring no costs are passed on to workers. The Committee further notes that Federal Decree-Law No. 9 prohibits employers from imposing any costs or charges on domestic workers, directly or indirectly (section 11(13)). The Government reports that in 2022, the MOHRE received 6,408 complaints from domestic workers seeking reimbursement of recruitment fees. Of these, 2,577 were resolved by the Ministry's team, while 3,831 were referred to the judiciary for further action.

(ii) *Transfer of employer and termination of employment*. The Committee notes that section 8 of Federal Decree-Law No. 33 of 2021 provides that employment contracts may be concluded for up to three years, extendable or renewable by mutual agreement. During the probationary period, which may last up to six months, workers must notify their employer in writing at least one month in advance to transfer to a new employer, with the new employer required to compensate the original employer for recruitment costs (section 9(2)). Workers may also terminate their employment during probation and leave the country with a minimum written notice period of 14 days (section 9(4)). After probation, the law permits either party to terminate the contract, for legitimate reasons, with written notice ranging from 30 to 90 days, with compensation applicable only if the notice period is not observed. Section 45 enables workers to terminate the contract without notice in cases of ill-treatment or rights violations. In instances of assault, violence or harassment by the employer, workers must notify the competent authorities and the MOHRE within five working days of being able to report. The Committee notes, from the Government's statistics on employment transfers in the private sector, that a sustained high number of transfers took place following the enactment of Federal Law-Decree No. 33 in 2022, with 415,544 transfers in 2022 and 337,196 transfers until August 2023.

Regarding domestic workers, section 7 of Federal Decree-Law No. 9 specifies that their employment contracts are initially valid for a period of two years, with the option for renewal for an additional two years. Section 20 allows domestic workers to terminate their contracts unilaterally if employers fail to meet their obligations under section 11 of the law, provided the worker notifies the MOHRE within two weeks of the breach. Furthermore, in cases of serious misconduct by the employer, such as physical assault, sexual assault or humiliation, the worker is permitted to leave immediately without prior notice. However, they must promptly report the incident to the competent authorities and inform the MOHRE within three days of departure, as stipulated in Section 10(2) of Cabinet Resolution No. 106 of 2022. Additionally, section 21 permits the transfer of a domestic worker to a new employer, provided all contractual obligations are fulfilled and the rights of the original employer are respected, in accordance with the conditions set by Ministerial Decision. The Committee takes note of the Government's statistics on the transfer of women domestic workers between employers, noting 65,429 transfers in 2022 and 35,070 until August 2023.

(iii) *Passport confiscation*. The Committee notes that section 13(2) of Federal Law-Decree No. 33 of 2021 prohibits employers from withholding workers' official documents. In this regard, the Government indicates that, in 2022, 19,454 complaints were lodged for return of passports or other kinds of identification documents. In 19,414 cases, resolution measures were taken by the MOHRE's dedicated team. In 40 cases where employers refused to return passports, the matter was escalated to the Office of Public Prosecution for further action.

As regards domestic workers, Federal Decree-Law No. 9 of 2022 establishes their right to retain all official documents, including their passport (section 11(11)). Employers who withhold these documents may face a fine. The Government indicates that judicial officers are authorized by the MOHRE to inspect recruitment agencies, worksites and workers' housing upon receiving complaints, ensuring compliance with the law and preventing the unauthorized retention of a domestic worker's passport. The Government reports that in 2022, the MOHRE received 2,132 complaints from domestic workers regarding the withholding of passports. Of these cases, 2,100 were resolved through negotiations with employers, resulting in the return of the passports. Additionally, 32 employers who refused to cooperate were referred to the Office of Public Prosecution, which ordered the immediate return of the passports to the domestic workers.

The Committee welcomes the guarantees established under the new legislative framework on the employment of migrant workers and migrant domestic workers and urges the Government to ensure its effective implementation so that all migrant workers are protected from abusive practices that may amount to forced labour or exploitation by: (i) ensuring fair recruitment processes that include the prohibition of charging recruitment fees to workers; (ii) ensuring the effective

implementation of migrant workers' rights to transfer or terminate jobs; and (iii) preventing the confiscation of their passports. In this regard, it requests the Government to continue providing information on:

- ***compliance with the prohibition on charging recruitment fees, including the outcomes of related complaints referred to the judiciary and the penalties imposed on both agencies and employers;***
- ***statistical data on the number of employer transfers and contract termination among migrant workers, including domestic workers, since the enforcement of the new legislation and including, to the extent possible, details on the gender of the worker, the sector of employment, and the reasons for the transfer; and***
- ***detected violations of the prohibition on confiscating workers' identification documents and of cases of passport confiscation referred to the Office of Public Prosecution, along with their outcomes and the penalties applied, specifying the sector of employment.***

2. *Labour inspection.* The Committee notes the Government's information that in 2022, the labour offices of the MOHRE conducted over 525,000 inspections to monitor compliance with Federal Decree-Law No. 33 of 2021, focusing on wage payments, working hours and decent accommodation, with a specific focus on detecting signs of potential forced labour. In this regard, the Government indicates that advancements in inspection procedures have been made in recent years, designed to be more proactive and responsive in identifying and assessing indicators of forced labour. The Government indicates that, in 2022, 30 establishments were found guilty of fraudulent practices, such as coercing workers into signing false documents or submitting deceptive data to the wage protection system. These establishments were fined and required to compensate workers. Additionally, 11 establishments were also fined for failing to meet accommodation standards and were ordered to improve their facilities.

Regarding inspections in the domestic work sector, the Government reports that the MOHRE, in cooperation with the inspection sector, regularly inspects recruitment agencies for domestic workers, particularly those involved in temporary employment. Inspections focus on legal compliance, including ensuring that employment offers are sent in the workers' native language, prohibiting the collection of recruitment fees from workers, and verifying that foreign agencies are licensed by relevant authorities. Inspectors also check workers' accommodation for adherence to occupational health and safety standards and decent living conditions. Labour inspectors are not allowed to enter an employer's private residence without consent, except with authorization from the Public Prosecutor under specific conditions: a complaint from the employer or domestic worker, or reasonable evidence of a legal violation (section 24 of Federal Decree-Law No. 9 of 2022). In 2022, 802 inspections were conducted at 101 domestic worker recruitment agencies. From January to August 2023, 39 violations of employment regulations were identified, leading to legal actions. Inspections also uncovered 41 unlicensed establishments, resulting in fines and referrals to the Office of Public Prosecution. In September 2023, two agencies had their licences revoked for serious violations of federal law by Decree No. 9 of 2022 regarding domestic workers.

The Committee requests the Government to continue strengthening the labour inspectorate to ensure the effective monitoring of the application in practice of the new laws and regulations governing employment relationships, including in the domestic work sector. It requests the Government to provide information on the number and nature of cases where the Labour Inspection Department has identified violations potentially amounting to forced labour. The Committee also requests the Government to provide information on the number of inspections carried out in the residences of employers of domestic workers, both with and without the employers' consent, following permission from the Public Prosecutor.

3. *Access to justice, prosecutions and application of sanctions.* The Committee notes that, under Ministerial Resolution No. 47 of 2022 on the settlement of labour disputes and complaints procedures, private sector workers must file complaints within 30 days if their employment contract or legal obligations are not met. An amicable dispute resolution is facilitated by a legal officer, and unresolved cases are referred to the Labour Court by the MOHRE. Once the MOHRE makes this referral, the worker has 14 days to register the complaint with the court. During this process, workers may only work for another employer with a temporary permit from the MOHRE, and those with an absconding claim against them are ineligible for this permit (section 3(d)). As for migrant domestic workers, Federal Decree-Law No. 21 of 2023 stipulates that disputes between migrant domestic workers, employers or recruitment agencies that cannot be resolved amicably can be referred to the MOHRE for review and action. If the issue remains unresolved for two weeks, the case may be forwarded to the competent court.

The Committee also takes note of the measures taken by the Government to ensure access to justice for migrant workers, including the establishment of mechanisms for fair arbitration of labour disputes and effective remedies. Before entering the labour market, migrant workers are informed about their legal rights and dispute resolution options at specialized centres. Workers can file complaints with the MOHRE through various channels, including a 24-hour call centre available in 20 languages, the Ministry's website and smart apps for secure submissions, and "Tasheel" and "Tadbeer" centres. Additionally, the MOHRE offers a confidential complaint service that allows workers to report violations anonymously. The Government also provides information on various support measures to assist workers in accessing justice, including legal aid, consultation and translation services. Furthermore, to expedite justice, the judiciary has implemented initiatives like the "One-Day Court" for swift resolution of complaints.

The Committee notes the statistics provided by the Government on labour-related complaints filed by private sector workers from 2020 to mid-August 2023. The Government also reports that 9,715 complaints were submitted by domestic workers between January 2022 and January 2023. However, specific details on the issues raised in these complaints and their outcomes have not been disclosed.

The Committee requests the Government to continue to provide statistical information on migrant workers, including domestic workers who have filed complaints after disputes could not be settled amicably, detailing the nature of the complaints and their outcomes. It also requests the Government to provide information on investigations into suspected cases of forced labour, judicial proceedings, the number of judgments issued, and penalties applied on employers imposing forced labour. Additionally, the Committee requests the Government to provide information on the number of temporary permits issued by the MOHRE to workers whose complaints have been referred to a court, and the number of temporary permits denied due to absconding claims filed by employers.

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1997)

Previous comment

Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. 1. *Law No. 7 on combating terrorism offences of 2014 (Counter-Terrorism Law).* The Committee notes that the Counter-Terrorism Law of 2014 contains various provisions that establish a penalty of imprisonment for various "terrorism-related offences". The Committee notes that penalties of imprisonment involve compulsory labour, pursuant to section 71 of Federal Law-Decree No. 31 of 2021 promulgating the crimes and penalties law (Penal Code) and section 292 of Federal Decree-Law No. 38 of 2022 promulgating the Criminal Procedures Law (Code of Criminal Procedure).

The Committee takes note of a communication dated 13 November 2020 (OL ARE 6/2020), in which United Nations special procedure mandate holders expressed concern over the fact that the wording of the criminal provisions included in the Counter-Terrorism Law was sometimes imprecise and ambiguous, to the point that it might undermine the principle of legal certainty, including as regards the definition of terrorism itself. The special procedure mandate holders expressed concern that the use of ambiguous terms such as "opposing the country", "influencing the public authorities of the country or another country or international organization", raise serious concerns with regard to their arbitrary application due to their lack of legal specificity. They also expressed concern about how section 63 of the Counter-Terrorism Law appears to give the Minister of Presidential Affairs significant discretion to label any organization a terrorist entity, without any clear procedure for exercising this power or oversight over it.

The Committee takes note of the opinions issued by the United Nations Working Group on Arbitrary Detention on 5 May 2023, concerning the case of 12 Emirati individuals involved in the UAE94 mass trial. This group, consisting of academics, judges, lawyers, students and human rights defenders, were convicted on various counter-terrorism and cybercrime charges in 2013. After completing their sentences, they were subsequently detained in *munasaha* centres under the Counter-Terrorism Law of 2014, purportedly due to perceived terrorism threats. Among other findings, the Working Group notes that their placement in detention was retroactively based on the implementation of the Counter-Terrorism Law, the provisions of which are vaguely and broadly worded and may have a deterrent effect on the exercise of the rights to freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peaceful assembly and association. The Working Group also concludes that it appears that the 12 detainees were selected for ongoing incarceration under the Counter-Terrorism Law on the basis of their public activities involving the exercise of their rights to freedom of expression and of assembly, for which they were originally arbitrarily detained.

The Committee notes with ***concern*** the reported instances of misuse of the provisions of the Counter-Terrorism Law and observes that individuals convicted under these provisions may face penal sanctions of imprisonment which, as indicated above involve compulsory prison labour. The Committee recalls that, under *Article 1(a)* of the Convention, no penalty involving compulsory labour may be imposed on persons for holding or expressing political views or views ideologically opposed to the established political, social or economic system. The Committee points out in this respect that the protection provided by the Convention does not extend to persons who use violence, incite to violence or engage in preparatory acts aimed at violence. The Committee also stresses that, while counter-terrorism legislation responds to the legitimate need to protect the security and safety of the population, when drafted in general and broad terms it can become a means of punishing the peaceful exercise of civil rights and liberties, such as the freedom of expression and the right to assembly. The Convention protects these rights and liberties against repression by means of sanctions involving compulsory work.

The Committee requests the Government to take the necessary measures to ensure that no penalties involving compulsory labour can be imposed, in application of the Counter-Terrorism Law of 2014, on persons who, without using or advocating violence, express political views or views opposed to the established political, social or economic system. It requests the Government to provide information that would allow the Committee to assess the manner in which the Law is used and interpreted by the competent authorities, including the number of prosecutions, convictions and penalties imposed for committing terrorism-related offences and a description of the facts that led to these convictions.

2. *Federal Act No. 15 of 1980 governing publications and publishing.* The Committee previously noted the Government's indication that a draft Act regulating media activities was under consideration, which would review Federal Act No. 15 of 1980. In this regard, the Committee recalls that, for a number of

years, it has been referring to the following provisions of Federal Act No. 15 of 1980, under which penal sanctions involving compulsory prison labour may be imposed:

- section 70: prohibition on criticizing the Head of State or the rulers of the Emirates;
- section 71: prohibition on publishing documents harmful to Islam, or to the Government, or to the country's interests or the basic systems on which society is founded;
- section 76: prohibition on publishing material containing information shameful to the Head of State of an Arab or Muslim country or a country with friendly ties, as well as material which may threaten the ties of the country with Arab, Muslim or friendly countries;
- section 77: prohibition on publishing material which causes an injustice to Arabs or constitutes a misrepresentation of Arab civilization or cultural heritage;
- section 81: prohibition on publishing material which harms the national currency or causes confusion over the economic situation of a country.

The Committee notes with ***regret*** the lack of information from the Government about any new developments concerning the review of Federal Act No. 15 of 1980.

The Committee urges the Government to take the necessary measures to ensure that within the framework of the adoption of the draft Act on media activities or any other legislative review, the above-mentioned provisions will be reviewed in order to ensure that the legislation governing publications and media does not contain provisions that would permit the conviction of, and imposition of penalties of imprisonment on, persons who hold or express political views or views ideologically opposed to the established political, social or economic system.

3. *Penal Code.* Over a number of years, the Committee has been drawing the Government's attention to the incompatibility with the Convention of certain provisions of the Penal Code of 1987 which prohibited the establishment of an organization or the convening of a meeting or conference for the purpose of attacking or mistreating the foundations or teachings of the Islamic religion, or calling for the observance of another religion, with such offences being punishable with imprisonment for a maximum period of ten years (sections 317 and 320). The Committee also referred to sections 318 and 319 of the Penal Code pursuant to which a prison sentence could be imposed on any person who is a member of an association specified in section 317, who challenges the foundations or teachings of the Islamic religion, proselytizes another religion or advocates a related ideology.

The Committee notes with ***regret*** that the new Penal Code adopted in 2021, under sections 368 and 371, criminalizes the same offences and retains the penalty of imprisonment which involves an obligation to work.

The Committee therefore requests the Government to take the necessary measures to bring sections 368 to 371 of the Penal Code into conformity with the Convention, such as by limiting their scope to acts of violence or incitement to violence. Pending the adoption of such amendments, the Committee requests the Government to provide information on the application in practice of these provisions, including the number of prosecutions and convictions, as well as the facts giving rise to these convictions and the nature of the penalties imposed.

The Committee is raising other matters in a request addressed directly to the Government.

United Kingdom of Great Britain and Northern Ireland

Forced Labour Convention, 1930 (No. 29) (ratification: 1931)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2016)

The Committee welcomes the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930 and takes due note of the Government's first report, which contains detailed information on the

different measures adopted, in particular with regard to prevention, victims' assistance and protection, compensation and international cooperation.

The Committee also notes the observations sent by the Trade Union Congress (TUC) received on 8 September 2023 and 23 October 2023, as well as the Government's reply received on 17 November 2023.

Articles 1(1), 2(1) of the Convention and Article 1(1) and (2) of the Protocol. National policy and systematic action. In its previous comments, the Committee noted the comprehensive legal framework to combat all forms of forced labour, which is complemented by strategies that have a special focus on strengthening victim identification, protection and support; identifying perpetrators; and enhancing international cooperation (the Northen Ireland Modern Slavery Strategy for 2024–27 and the Scottish Trafficking and Exploitation Strategy of 2017). The Committee notes the Government's indication in its report that in 2023 a new Independent Anti-Slavery Commissioner was appointed pursuant to section 40 of the Modern Slavery Act 2015. It also notes the annual report of the Independent Anti-Slavery Commissioner for 2021–2022, which contains a detailed and comprehensive account of the actions taken by the Government in different areas, including victim care and support, law enforcement and prosecution, prevention and research. The Anti-Slavery Commissioner highlights that the number of potential victims of modern slavery has continued to rise, which reflects to some extent heightened levels of awareness among practitioners.

The Committee also notes the first Human Trafficking Report of the Home Affairs Committee of the House of Commons published in 2023 according to which the Modern Slavery Strategy, 2014, needs to be updated. The Home Affairs Committee also observes that the Government moved responsibility for modern slavery and human trafficking from the Minister for Safeguarding to the Minister for Migration. It also expresses its concern at the fact that the Government is prioritizing a focus on irregular migration issues at the expense of tackling trafficking in persons as such.

The Committee takes due note of the continued efforts of the Government to review its national policy and institutional framework to combat forced labour and encourages it to continue taking measures with a view to addressing the recommendations of the Home Affairs Committee, including the review of the 2014 Modern Slavery Strategy. It requests the Government to provide information on the measures taken to ensure a coordinated approach among the migration, labour and criminal justice authorities. Lastly, it requests the Government to provide information on the activities undertaken by the new Independent Anti-slavery Commissioner, including any recommendation made by the Commissioner to competent bodies in forced labour.

Article 25 of the Convention and Article 1(3) of the Protocol. Law enforcement. The Committee recalls that forced labour (including in the form of slavery and trafficking in persons) constitutes a criminal offence under the Modern Slavery Act 2015, the Human Trafficking and Exploitation (Scotland) Act 2015, and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. In addition, the Gangmasters (Licensing) Act 2014 prohibits operating as a gangmaster (a person who supplies workers to another person) without a licence; as well as entering into arrangements with a unlicenced gangmaster for the provision of workers (violation of this prohibition is sanctioned with imprisonment). The Committee notes that in England and Wales, completed prosecutions related to forced labour increased from 332 in 2020/21 to 506 in 2021/2022; in Northern Ireland, 45 investigations were carried out by the police between 2020 and 2023; and in Scotland, between 2015 and March 2021, the police opened investigations in 61 cases related to trafficking in persons and exploitation.

The Committee notes the Government's indication that the Gangmasters and Labour Abuse Authority (GLAA) is responsible for supervising the activities of persons acting as gangmasters in high-risk sectors: harvesting or gathering agricultural produce, gathering shellfish or processing or packaging agricultural produce harvested. The Government adds that the Immigration Act 2016

expanded the power of the GLAA to prevent, detect and investigate serious labour exploitation across the entire economy. The GLAA can also request assistance from the National Crime Agency to investigate offences (section 13).

The Committee also notes that section 1 of the Immigration Act establishes the role of the Director of Labour Market Enforcement (DLME) who is responsible for preparing an annual labour enforcement strategy setting out the scale and nature of non-compliance in the labour market and the priorities of the three main enforcement bodies: the Employment Agency Standards Inspectorate (EAS), the GLAA, and His Majesty's Revenue and Customs-National Minimum Wage Team (HMRC's NMW). The Government indicates that, pursuant to section 15 of the Immigration Act, Labour Market Enforcement Undertakings (LMEU) can be issued by the EAS, the GLAA and the HMRC's NMW for persons or businesses that commit labour market violations. If the non-compliant entity does not comply with the LMEU, the enforcing authority can issue a Labour Market Enforcement Order (LMEO) to order compliance. Breaching an LMEO constitutes a criminal offence punishable with imprisonment (section 27 of the Immigration Act 2016).

The Committee notes that the Home Affairs Committee highlights in its 2023 Human Trafficking Report that the Government's policy focus on immigration rather than human trafficking is reflected in law enforcement priorities and that proactive inspections by the GLAA are rare, with much of the reporting of potential labour exploitation being required from labour workers. It further notes that in its observations, the TUC indicates that: (i) the fact that labour market enforcement bodies carry out joint operations with immigration control undermines trust in enforcement mechanisms among migrant workers, who often do not report violations due to threat of dismissal and return; and (ii) the GLAA is considerably underfunded and is reliant on workers reporting their exploitation.

The Committee acknowledges the steps taken to establish a consolidated institutional framework for the detection and investigation of situations of forced labour across the country and encourages the Government to continue taking measures to ensure that the different law enforcement bodies can undertake inspections in a coordinated manner and proactively identify and investigate potential cases of forced labour even in the absence of workers reporting situations of exploitation. In this regard, the Committee requests the Government to indicate the number of: (i) cases of labour exploitation detected by the Gangmasters and Labour Abuse Authority (GLAA); (ii) Labour Market Enforced Orders (LMEO) issues by the Director of Labour Market Enforcement (DLME) for violations related to labour exploitation; (iii) cases referred to the judicial authorities for further investigation and prosecution; and (iv) convictions handed down and sanctions applied on perpetrators.

Article 2 of the Protocol. Prevention. Clause (d) Protecting migrant workers from abusive and fraudulent practices. The Government indicates that, in 2019, a Seasonal Worker Scheme was introduced for overseas workers to come to the United Kingdom to work in the horticulture and poultry industry. Under this Scheme, migrant workers can obtain a visa for a period of six months to work in the horticulture sector, and from October to December in the poultry industry. The quota for seasonal workers was set at 57,000 for 2024. Pursuant to the guidelines issued by the Home Office for temporary worker sponsors, only entities which have been licensed by the GLAA (so-called scheme operators) are able to sponsor individuals seeking seasonal worker visas. Applicants need to pay the application fee and their flying costs, and prove that they have enough money to support themselves in the United Kingdom, unless the sponsor agrees to assume these costs (Home Office guidance for obtaining seasonal worker visa). Employers must pay the worker at least the minimum wage and should ensure that they benefit from rest periods and access to health care. The Home Office can undertake compliance checks together with the GLAA or the HRMC, including through visits to farms and interviews with workers.

According to the review of the seasonal worker scheme conducted by the Home Office Migration Advisory Committee in 2024, the Government has introduced into the scheme the requirement of paying seasonal workers a minimum of 32 hours pay for each week of their stay in the country even if

they are prevented from work because of bad weather. However, the review indicates that workers can still be dismissed due to poor performance and transfers are in practice not possible because of lack of vacancies, or because the date of the expiration of the visa does not allow the worker to undergo sufficient training.

The Committee also notes that the Independent Chief Inspector of Borders and Migration highlighted in his 2022 Report on the inspection of the immigration system in the agricultural sector that the Home Office has not demonstrated that it has the mechanisms in place to assure itself that scheme operators are meeting compliance requirements and that when serious concerns have been raised by workers, it did not act promptly.

According to the review of the Migration Advisory Committee, during 2023, 125 farms out of around 500 (around 25 per cent) were visited by UK Visa and Immigration (UKVI) enforcement teams of the Home Office, and 1,116 migrants were interviewed on the route (representing around 3.4 per cent of seasonal workers). On some of these inspections UKVI staff were accompanied by the GLAA. Visits are scheduled immediately if serious violations of scheme regulations have been reported. Otherwise, visits are scheduled based on frequency, location or current sponsored worker numbers. Furthermore, the Migration Advisory Committee has pointed out that seasonal workers are particularly susceptible to exploitation due to the nature of the work in often isolated rural areas, frequently with little or no English, and the fear that they can lose their visas and earnings if they make a complaint. It also indicated that there are reported instances of migrants paying significant fees abroad to unofficial agents or taking loans.

In its observations, the TUC notes that seasonal agricultural workers are working in conditions that are highly exploitative and are asked to pay recruitment fees, which can lead them to a situation of debt bondage. The TUC adds that even though seasonal workers can transfer employers, many have reported being refused this or charged a fee to do so.

The Committee notes this information and recalls that seasonal migrant workers may be particularly vulnerable to exploitative practices that could lead them to fall into forced labour, especially when they do not know their rights or do not exercise them because of fear of retaliation. ***The Committee acknowledges the measures taken by the Government to comprehensively review its seasonal workers scheme and trusts that the Government will take all the necessary measures to:***

- ***prevent agricultural seasonal workers from becoming trapped in a situation of debt-bondage by the imposition of recruitment fees or other charges that are not permitted by the law, including by ensuring that scheme operators do not engage with recruitment agents abroad which illegally impose recruitment fees on workers;***
- ***provide migrant seasonal workers with information about their rights before their recruitment and job placement, as well as about the legal mechanisms they can resort to in case of violations of such rights;***
- ***inspections are carried out regularly by the GLAA and other competent authorities, especially in isolated areas.***

The Committee also requests the Government to provide information on any review of the existing seasonal workers scheme based on the conclusions of the Migration Advisory Committee as well as information on the number of migrant workers under the seasonal workers scheme.

Clause (e). Supporting due diligence to prevent and respond to risks of forced labour. The Committee recalls that section 54 of the Modern Slavery Act requires a commercial organization which has reached a turnover determined by regulations to prepare annually a slavery and human trafficking statement indicating the steps taken to ensure that slavery and human trafficking is not taking place in any of its supply chains and in any part of its business. The Committee notes the Government's indication that, to improve understanding and compliance with section 54 of the Act, an e-learning course for businesses was launched to advise on practical efforts to identify, mitigate and prevent forced labour. The

Government also refers to the publication of a Guide on Tackling Modern Slavery in the Government Supply Chain to help Government entities to manage risks of modern slavery in both new procurement activity and existing contracts. Since March 2021, over 10,600 statements have been submitted to the online registry covering over 35,800 organizations. Furthermore, the Government reports that, as of January 2023, 3,462 assessments have been completed through the Modern Slavery Assessment Tool, which helps businesses to identify where and how a supplier or business can improve to combat risks of modern slavery in their supply chains. The Scottish Government also published Guidance in 2018 to help businesses identify and prevent human trafficking and exploitation across their operations and supported the creation of Scotland Against Modern Slavery (SAMS), an initiative to inform and share information on best practices about modern slavery throughout the business community in Scottland. The Government of Northern Ireland has engaged with the agri-food sector to strengthen transparency in supply chain requirements in that sector.

The Committee welcomes the measures taken by the Government to support private and public sector actors to comply with their due diligence obligations under section 54 of the Modern Slavery Act and encourages it to continue to take measures to ensure compliance and share good practices, as well as to provide information in this regard.

Article 3 of the Protocol. (i) *Identification and protection of victims.* In its previous comments, the Committee noted the establishment of the National Referral Mechanism (NRM), as the United Kingdom's primary framework for identifying victims of modern slavery and the main vehicle for providing assistance and protection to victims. According to the NRM Guidance adopted by the Home Office, victims of forced labour can only be referred upon their consent to the NRM through First Responder Organizations. Once the referral has been made, a competent authority within the Home Office shall determine whether there are "reasonable grounds" to consider an individual referred to the NRM a victim of modern slavery. The Modern Slavery Statutory Guidance for England and Wales and Non-Statutory Guidance for Northern Ireland and Scotland provide for a list of general indicators to help the competent authority to make a primary assessment. The "reasonable grounds decision" shall be made within a period of five working days wherever possible and, at a second stage, a "conclusive grounds" decision shall be made to formally recognize a person as a victim.

The Government indicates that there were approximately 17,000 reasonable grounds decisions in 2022, of which 12 per cent were negative, and 3,528 were made in the first three months of 2023, of which 42 per cent were negative. Over 6,000 conclusive grounds decisions were made in 2022, of which 11 per cent were negative, and 2,275 were made in the first three months of 2023, of which 25 per cent were negative.

The Committee notes that the House of Commons' Home Affairs Committee's Human Trafficking First Report of Session 2023–24 observes that the NRM decision-making process is extremely slow and that the average waiting time for a conclusive grounds decision for the quarter July to September 2023 was 530 days. In its response to the report of the Home Affairs Committee, the Government indicates that there has been an unprecedented increase in the volume of referrals to the NRM, namely a 625 per cent rise between 2014 and 2022, which has presented significant challenges in resourcing and workflow. In the Government's view, the time taken also reflects the requirement to obtain appropriate levels of evidence, which can be challenging. The Government adds that it has allocated funds to hire new staff for operations.

In its observations, the TUC indicates that flaws in the operation and delivery of the NRM persist and that despite previous reforms, there is no formal appeals process and authorities fail to make timely decisions. Moreover, the TUC points out that there is a sharp increase in the number of potential victims not consenting to being referred to the NRM, often because of legitimate fears of reprisal, arrest or deportation.

The Committee encourages the Government to continue taking the necessary measures to address the existing challenges in the operation of the National Referral Mechanism (NRM), in particular with regard to: (i) ensuring that potential victims of forced labour are informed about the advantages of being referred to the NRM; (ii) reducing the decision-making time; and (iii) continuing reinforcing the capacities of the NRM to assess evidence of potential cases of forced labour. The Committee requests the Government to provide information on the number of referrals to the NRM in England and Wales, Scotland and Northern Ireland, the number of positive conclusive grounds decisions, and the number of refusals. Lastly, the Committee requests the Government to clarify whether decisions refusing the recognition of a person as a victim of forced labour can be subject to review.

(ii) *Protection and assistance.* The Committee notes the Government's indication that, in England and Wales, individuals who have obtained a positive reasonable grounds decision are eligible for support under the government funded Modern Slavery Victim Care Contract (MSVCC) with a view to assisting them with rebuilding their lives, engaging with the criminal justice system, and transitioning back into the community. It can also assist the victim in obtaining financial support, safehouse accommodation and health services. These protection measures are provided for a period of 45 days or until a conclusive grounds decision is made. Beyond this timeline, a recovery-based needs assessment is undertaken to provide a specific transition and support plan to move beyond the MSVCC. In Scotland, rules for the protection for victims of forced labour are set out under Part 2 of the Human Trafficking and Exploitation (Scotland) Act, 2015 and the Human Trafficking and Exploitation (Scotland) Act 2015 (Support for victims) Regulations 2018. Section 9 of the Act provides that necessary support and assistance are delivered to individuals believed to be victims of human trafficking during a period of 90 days. As regards Northern Ireland, section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 provides that persons are referred to the NRM until the determination of the status of victim by the competent authority is pending. Assistance and support will be extended for 45 days upon a determination that there are reasonable grounds to believe that a person is a qualifying victim.

The Committee further notes that section 65 of the Nationality and Borders Act 2022 provides for a temporary residence permit for victims of slavery or trafficking in persons who have obtained a positive conclusive grounds decision (for recovery purposes, seeking compensation, cooperation with the authorities). The permit cannot be granted if the person's need for assistance is capable of being met in a country of origin and it can be revoked when the person is a threat to the public order, or the person has claimed to be a victim in bad faith (sections 54(4) and 65(6)). The Committee also observes that the Government refers to the Illegal Migration Act 2023, according to which individual victims of modern slavery may be disqualified for a temporary permit if they have entered the country illegally (section 1(1) and section 5(1)(c)), unless the victim is cooperating with public authorities regarding an investigation or criminal proceedings (section 22).

The Committee notes that, in its observations, the TUC emphasizes that the Illegal Immigration Act will prevent undocumented victims of forced labour from requesting existing support mechanisms, increasing the risk of their exploitation. In its 2024 concluding observations, the United Nations Human Rights Committee expressed its concern at the Illegal Immigration Act, which has resulted in the removal of certain protections for potential victims of forced labour. In particular, the United Nations Human Rights Committee is concerned that the new legislation increases the burden of proof when bringing cases before the NRM (CCPR/C/GBR/CO/8).

The Committee requests the Government to provide information on the number of victims of forced labour who have benefited from protection and assistance in England and Wales (through the Modern Slavery Victim Care Contract), Scotland and Northern Ireland. It also requests the Government to indicate how many victims of forced labour have been granted temporary permits under Section 65 of the National Borders Act. In this regard, it requests the Government to indicate the measures taken

to protect victims who decide to collaborate with the judicial authorities against retaliation. Lastly, the Committee requests the Government to indicate the type of assistance offered to victims who return to their home country.

Article 4(1). Access to remedies, such as compensation. The Government indicates that victims of forced labour can access compensation and other remedies through both civil and criminal routes. In addition, victims of trafficking in person may receive compensation under the Criminal Injuries Compensation Scheme 2012 (amended) in cases identified by the NRM. According to section 30, the types of payment which may be made to victims under the Scheme include: injury payments, loss of earnings payments and dependency payments. The Committee further notes that, in cases where there is non-compliance with the national minimum wage, the Crown Prosecution Services may commence criminal proceedings under the Modern Slavery Act 2015 to both recover amounts and impose criminal charges. ***The Committee requests the Government to provide information on the number of victims of trafficking in persons who have been granted compensation under the Criminal Injuries Compensation Scheme 2012 (amended). In this regard, it requests the Government to clarify whether the victim's ability to receive compensation is dependent upon his or her cooperation with authorities.***

Article (2)(2)(c) of the Convention. Penalties of unpaid work requirements. For a number of years, the Committee has requested the Government to ensure that prisoners under an obligation to work do not work for the benefit of private entities, unless they have given their formal and informed consent. In its latest comment, the Committee welcomed the Government's statement to the House of Commons to the effect that from June 2021 private entities would no longer be in charge of placing sentenced offenders with providers to perform community work. The Committee notes with ***interest*** that from 26 June 2021, in England and Wales, the Probation Service (a statutory criminal justice public service that supervises offenders serving community sentences) no longer outsources any unpaid work provision to a subcontractor. As regards Scotland and Northern Ireland, the Committee notes from the Government's information that no private entity is benefiting from unpaid work by prisoners.

United Republic of Tanzania

Forced Labour Convention, 1930 (No. 29) (ratification: 1962)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. *Prosecution and application of effective penalties.* Referring to its previous comments on the lack of sufficiently effective and dissuasive penalties established for the crime of trafficking in persons, the Committee notes the Government's information in its report that the Anti-Trafficking in Persons Act CAP 432 has been amended by the Written Laws (Miscellaneous Amendment) Act No. 5 of 2021 and the Written Laws (Miscellaneous Amendment) Act No. 2 of 2022. It notes with ***interest*** that these amendments aim at increasing the penalties of fines and imprisonment for trafficking offences and at removing the option of a fine *in lieu* of imprisonment, instead imposing the fine *in addition to* imprisonment.

The Government also indicates that it continues to build the capacity of the law enforcement bodies for effective identification, investigation and prosecution of trafficking in persons-related cases, and that a total of 1,650 officers have benefited from such activities. Ultimately and as a result of other counter-trafficking measures taken by the Government, a total of 291 cases of trafficking in persons have been investigated, of which 31 involving 82 traffickers were taken to court, and 22 traffickers were convicted and sentenced to imprisonment.

The Committee requests the Government to continue to strengthen the capacity of the law enforcement bodies to detect and investigate cases of trafficking for both labour and sexual exploitation. It requests the Government to provide information on the number of investigations

carried out, prosecutions initiated and convictions handed down, in particular pursuant to the revised penalties under the Anti-Trafficking Act of 2008.

2. *National action plan. Implementation and assessment.* In response to its previous comments concerning the measures taken to combat trafficking in persons, the Government states in its report that the National Action Plan (NAP) 2018–21 as well as the NAP 2021–24 have been successfully implemented, and indicates that the following was carried out in this regard: (i) institutionalization of the Anti-Trafficking in Persons Secretariat within the Ministry of Home Affairs and expansion of its operation in Tanzania Mainland and Zanzibar; (ii) establishment of cross border collaboration forums on trafficking in persons-related matters between Tanzania and Malawi and Tanzania and Mozambique; (iii) public awareness activities on counter trafficking in persons; (iv) joint operations with law enforcement agencies to disrupt trafficking routes and networks; and (v) implementation of the Anti-trafficking in Persons Act in Zanzibar.

The Government also indicates that pursuant to Regulations Nos 27 and 28 on the establishment of centres for protection and assistance for victims of trafficking, 11 safe houses have been registered and a total of 503 victims of trafficking were provided assistance (accommodation, food, medical and rehabilitation services including psychosocial counselling and life training skills, free legal support, and referral and reintegration services).

The Committee notes that, in addition to the usual strategic objectives of prevention, protection, prosecution and partnerships, the NAP 2021–24 provides for the monitoring and evaluation of the effectiveness of the strategic actions on the basis of the action plan implementation matrix. ***The Committee requests the Government to provide information on the implementation and monitoring of the NAP 2021–24 and to indicate the challenges faced and results achieved in the areas of prevention and protection of victims, as identified in the monitoring and evaluation plan. Moreover, the Committee requests the Government to indicate whether a new action plan has been developed based on these findings.***

Articles 1(1) and 2(1) and (2). Imposition of compulsory labour for economic development and public purposes. For many years, the Committee has been expressing its concern at the institutionalized and systematic compulsion to work established in the national Constitution in contradiction with the Convention. The Committee has referred to:

- article 25(1) of the Constitution, which provides that every person has the duty to participate in lawful and productive work and to strive to attain the individual and group production targets required or set by law;
- article 25(3)(d) of the Constitution, which provides that no work shall be considered as forced labour if such work forms part of: (i) compulsory national service in accordance with the law; or (ii) the national endeavour at the mobilization of human resources for the enhancement of society and the national economy and to ensure development and national productivity.

The Committee notes the Government's information that the 2013 draft Constitution did not reach the referendum stage and that the country is still in the process of determining the internal procedures and arrangements for resuming or commencing anew the constitutional review process. The Committee recalls in this regard that it drew the Government's attention to the fact that the draft Constitution of 2013 appeared to contain wording similar to article 25 of the current Constitution, and did not address the issues raised by the Committee. ***The Committee expresses the firm hope that the Government will take the necessary measures to ensure that the constitutional revision procedure will be undertaken without delay so as to bring it into conformity with the Convention by limiting the scope of exceptions to the definition of forced labour to those provided for in Article 2(2)(a)–(e) of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1962)

Previous comment: observation

Previous comment: direct request

Article 1(a) of the Convention. Penalties involving compulsory labour as a punishment for the expression of political views. 1. *Media Service Act.* The Committee previously noted that persons sentenced to imprisonment are under the obligation to perform work (section 61 of the Prison Act and section 50 of the Offenders Education Act of 1980 of Zanzibar); and that several provisions of the Media Services Act No. 12 of 2016, the violation of which is punishable with penalties of imprisonment, are worded in terms broad enough to lend themselves to application as a means of punishment for the expression of political views or views opposed to the established political, social or economic system. These provisions include:

- section 50, which provides that any person who makes use by any means of a media service for the purpose of publishing information which intentionally or recklessly falsified in a manner which, or any statement the content of which, threatens the interests of defence, public order, the economic interests of the country, public morality or public health, commits an offence and is punishable by three to five years' imprisonment.
- section 51, which provides that any persons who imports, publishes, sells, offers for sale, distributes or produces any publication or any extract of it, the importation of which is prohibited, commits an offence and is punishable by three to five years' imprisonment.
- sections 52 and 53, which provide that any act, speech or publication with a seditious intention, including the sales, distribution, reproduction and importation of such publication, is punishable by three to five years' imprisonment. The possession of such publication is punishable by two to five years' imprisonment.
- section 54, which provides that any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace commits an offence and is punishable by four to six years' imprisonment.

The Committee notes the Government's information in its report concerning the amendments made to the Media Services Act through the Written Law (Miscellaneous Amendments) Act No. 1 of 2023. The Committee notes that the amendments made to sections 50, 51, 53 and 54 of the Act were aimed at decreasing the period of imprisonment bringing it to a minimum of one year and to a maximum of five years. It observes however that the scope of the above provisions remains the same and that prison sentences are still applicable in case of their infringement.

In this regard, the Committee recalls that the range of activities which must be protected from punishment involving compulsory labour, as per *Article 1(a)* of the Convention, comprises the freedom to express political or ideological views (which may be exercised orally or through the press and other communications media), as well as various other generally recognized rights, such as the right of association and of assembly, through which citizens seek to secure the dissemination and acceptance of their views and which may also be affected by measures of political coercion. However, the Convention does not prohibit punishment by penalties involving compulsory labour of persons who use violence, incite to violence or engage in preparatory acts aimed at violence; but sanctions involving compulsory labour fall within the scope of the Convention where they enforce a prohibition of the expression of views or of opposition to the established political, social or economic system (see the 2012 General Survey on the fundamental Conventions, paragraphs 302 and 303). ***The Committee urges the Government to take the necessary measures to amend sections 50 to 54 of the Media Services Act No. 12 of 2016 in such a way as to ensure that persons expressing political views or views opposed to the established political, social or economic system cannot be subject to penalties of imprisonment (which involve compulsory labour), whether by restricting the scope of these provisions to situations connected with the use of violence or incitement to violence, or by repealing sanctions involving***

compulsory labour. The Committee further requests the Government to provide information on any prosecutions conducted or court decisions handed down under these provisions, specifying the penalties imposed and the facts that led to such convictions.

2. *Non-Governmental Organizations Act.* The Committee recalls that section 35 of the Non-Governmental Organizations Act of 2002 provides for penalties of a fine or imprisonment (involving compulsory labour) for a term not exceeding one year, or both, for the offences of, inter alia, operating a non-governmental organization without obtaining registration as required under section 13(3) of the Act. The Committee notes the Government's information that the necessary measures will be taken to ensure that the above-mentioned provision of the Non-Governmental Organizations Act is not applied in a manner which could result in the imposition of penalties of imprisonment, involving compulsory labour, to persons who hold or express political views or views opposed to the established system.

The Committee notes that in their press release of 17 October 2024, several Special Rapporteurs of the special procedures of the United Nations Human Rights Council indicated that the Tanzanian Government had reportedly utilized the Non-Governmental Organizations Act to arbitrarily deregister and restrict activities of civil society organizations.

The Committee requests the Government to indicate the measures taken to ensure that section 35 of the Non-Governmental Organizations Act of 2002 is not used to impose penalties involving compulsory labour on persons who hold or express views opposed to the established system, and to provide information on the number of persons prosecuted and convicted under this provision and the penalties applied.

Article 1(c). Penalties involving compulsory labour as a means of labour discipline. In its previous comments, the Committee noted that, according to section 11 of the First Schedule to the Economic and Organized Crime Control Act as amended up to 2016, any employee of a specified authority who causes pecuniary loss to his or her employer or damage to his or her employer's property, by any wilful act or omission, negligence or misconduct, or failure to take reasonable care or to discharge his or her duties in a reasonable manner, may be punished with imprisonment, which involves an obligation to work.

The Committee notes the Government's information that the Economic and Organized Crime Control Act of 2016 has been repealed by the Economic and Organized Crime Control Act Cap. 200 of 2022. It notes with ***regret,*** however, that the Act of 2022 retains similar provisions under section 10(1) of the First Schedule as "economic offences", which is punishable with imprisonment as per section 60(2) of the Act. The Committee therefore once again recalls that penalties of imprisonment involving compulsory labour as a means of labour discipline are incompatible with the Convention. The protection granted by the Convention does not apply, however, to cases of breaches of labour discipline that impair or are liable to endanger the operation of essential services, or where life or health are in danger.

Observing that it has been raising this issue for a number of years, the Committee urges the Government to take the necessary measures to repeal or amend the Economic and Organized Crime Control Act so as to ensure that no penalties involving compulsory labour shall be imposed for the offences set forth under section 10(1) of the First Schedule to the Act.

The Committee notes that the Government has indicated that it will seek the technical assistance of the Office on a number of issues. ***The Committee hopes that ILO technical assistance will be provided to contribute to ensure compliance with the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

United States of America

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1991)

Previous comment: observation

Previous comment: direct request

The Committee notes the observations of the International Trade Union Confederation (ITUC), received on 26 November 2024, alleging the use of compulsory prison labour to further economic development and as a means of racial discrimination. ***The Committee requests the Government to provide a reply to these observations.***

Article 1(d) of the Convention. Sanctions involving compulsory labour for participation in strikes. Regarding the provisions of the North Carolina General Statutes previously noted by the Committee (article 12, section 95-98.1 and section 95-99; section 15A-1340.11 and section 15A-1349.23 of the Criminal Procedure Act), which hold individuals participating in illegal strikes liable to "community punishment" and, upon a second conviction, to imprisonment potentially involving compulsory labour (community service or other work assignments), the Government reiterates in its report that no individual has ever been convicted of participating in an unlawful public-sector strike, according to State court records. Furthermore, the Government emphasizes that even in the unlikely event of such a conviction, North Carolina law would not require a judge to impose work in violation of the Convention, and judges would retain discretion to impose only a fine.

The Committee notes the Government's statements, but recalls that the legal basis that would permit the imposition of labour on a person sentenced to imprisonment for participation in strikes still exists, contrary to *Article 1(d)* of the Convention, which prohibits the use of any form of forced or compulsory labour as a punishment for having participated in strikes.

The Committee therefore once again requests the Government to take the necessary measures to bring the North Carolina General Statutes into conformity with the Convention, thus ensuring that the legislation is aligned with indicated practice, by reviewing sections 95–98.1 and 95–99 so as to ensure that penalties involving compulsory labour (through the Community Service Work Programme or during imprisonment) cannot be imposed for participation in a strike.

Article 1(e). Racial discrimination in the exaction of compulsory prison labour. For years, the Committee has taken note of the significant overrepresentation of African Americans and Latinos/Hispanics within prison populations, and of the fact that prison sentences normally involve an obligation to perform labour. The Committee requested the Government to continue to provide information on the measures taken to identify and reduce racial and ethnic disparities in the criminal justice system to ensure that punishments involving compulsory labour are not meted out more severely to certain racial and ethnic groups.

The Committee notes the Government's reiteration of its view that the broader questions of possible discrimination in the criminal justice system are outside the scope of the Convention. The Government, however, refers to recent data published by the Bureau of Justice Statistics, showing that from 2011 to 2021, the total correctional population of black adults declined by 28 per cent, representing a higher percentage than the decline in incarceration of both white adults (20 per cent) and Hispanic adults (21 per cent). The Government also refers to the Executive Order issued in 2022 on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, which requires an interagency strategic plan "with particular attention to reducing racial, ethnic and other disparities in the Nation's criminal justice system …". The Government also indicates that the Department of Justice (DOJ) invests in comprehensive research focused on racial and ethnic disparities in the criminal justice system. In 2022, the DOJ's Office of Justice Programs announced that it would award US$57 million to support justice system reforms and racial equity.

The Committee also observes that, according to the latest statistics on imprisonment rates from the DOJ, the 2022 imprisonment rate for black persons (1,196 per 100,000 adult US residents) was more than 13 times the rate for Asian, Native Hawaiian, or Other Pacific Islander persons (88 per 100,000); 5 times the rate for white persons (229 per 100,000); almost 2 times the rate for Hispanic persons (603 per 100,000); and 1.1 times the rate for American Indian or Alaska Native persons (1,042 per 100,000).

The Committee also notes the information contained in the 2024 report of the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, following her visit to the United States. Among other concerns regarding racial disparities within the law enforcement and criminal justice system, the Special Rapporteur reveals that those from marginalized groups who are convicted of crimes are often more likely to be sentenced to excessive custodial sentences, including life without the possibility of parole. The Special Rapporteur also received reports of poorly paid or unpaid forced labour by prisoners, who are disproportionately from racially marginalized groups, as well as reports of incarceration still being used to extract free or very low-cost labour from people of African descent. She further expressed concern about the racial disparities in the use of solitary confinement, including to punish persons who refuse hazardous prison labour (A/HRC/56/68/Add.1).

While it takes due note of the measures adopted by the Government with a view to addressing racial inequalities in the criminal justice system, the Committee observes that penal punishment is still meted out more severely to certain groups defined in racial, social or national terms, not only as regards the higher percentage of persons from marginalized groups being convicted, but also as regards the severity of the sentences applied to them. As their punishment involves compulsory labour, the situation remains under the purview of *Article 1(e)* of the Convention.

The Committee therefore requests the Government to pursue its measures to identify and address the root causes of the racial and ethnic disparities in the criminal justice system to ensure that compulsory labour is not meted out more severely to convicted persons pertaining to certain racial and ethnic groups. The Committee requests the Government to continue to provide information on the results achieved in this regard.

Uruguay

Forced Labour Convention, 1930 (No. 29) (ratification: 1995)

Previous comment: observation

Previous comment: direct request

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. *Institutional framework.* With reference to its previous comments on the measures taken under Act No. 19.643, issuing provisions to prevent and combat trafficking in persons and amending the Penal Code, the Government indicates in its report that the National Council to Prevent and Combat the Trafficking and Exploitation of Persons (CNTE) approved the Second Plan to Prevent and Combat the Trafficking and Exploitation of Persons 2022–24. The Second Plan includes among its principal objectives: (i) making progress with the regulation of Act No. 19.643; (ii) broadening institutional capacities for the detection, denunciation and provision of assistance in potential situations of trafficking; (iii) strengthening the coordination between the interinstitutional response system and the justice system; (iv) improving the capacity of the interinstitutional response system; (v) gaining more in-depth knowledge of the phenomenon of the trafficking and exploitation of persons; and (vi) promoting the professionalization of public officials and other actors concerned. The Committee also takes due note of the detailed biennial report 2021–22 of the CNTE, which includes information on the implementation of various activities to strengthen the skills of public officials and the approval of a Guide on interinstitutional action in situations of the trafficking

and exploitation of persons, which is a tool for coordination among the authorities responsible for the detection and identification of potential situations of trafficking and exploitation. The process is also under way of the evaluation of the impact and results of models for the support and protection of victims and the preparation of a national diagnosis of trafficking in persons.

The Committee encourages the Government to continue its efforts to prevent and combat trafficking in persons, within the context of the implementation of the objectives of the Second National Plan of Action to Prevent and Combat Trafficking in Persons 2021–24. In this regard, it requests the Government to continue providing information on the progress achieved in: issuing regulations under Act No. 19.643; strengthening the coordination between the interinstitutional response system and the justice system; the evaluation of the implementation of systems for the support and protection of victims; and the difficulties identified. Moreover, noting that the National Plan includes among its objectives promoting greater in-depth knowledge of the phenomenon of trafficking, the Committee requests the Government to provide information on any studies undertaken on the characteristics of trafficking in persons (victims, sectors, regions and so forth) and its possible causes.

2. *Protection of victims.* In reply to the Committee's request concerning the measures adopted for the protection and compensation of victims, the Government indicates that, through the National Service for Women, in cases of trafficking for sexual and/or labour exploitation, psychosocial support, advice and legal representation is provided to women victims of trafficking in the 19 departments of the country. The Committee also notes that, according to the Interinstitutional Action Guide for Situations of Trafficking, when the General Labour Inspectorate receives a complaint involving a situation of trafficking, coordination with other institutions is applied immediately for the provision of assistance to potential victims. According to the information of the Ministry of Social Development (MIDES), the team to address situations of trafficking in Montevideo dealt with 58 cases of trafficking in 2021, 75 in 2022 and 48 in 2023. ***The Committee requests the Government to continue providing support and protection to victims of trafficking in persons, with an indication of the type of assistance provided and the number of victims who have benefited.***

3. *Prosecution and application of penal sanctions*. The Committee notes the Government's indication that various training and awareness-raising activities have been carried out for public officials in bodies that are in the CNTE, and for other state bodies that may be operating in frontier posts or are in contact with people who are vulnerable to trafficking. The Government adds that the number of prosecutors engaged in the investigation of the crime of trafficking in persons has been increased. A working mechanism has been established between the Ministry of the Interior and the Victims and Witnesses Unit of the Office of the Public Prosecutor to improve protection strategies for complainants. The Government further indicates that in cases in which the General Labour Inspectorate receives complaints that contain any indications of a potential situation of trafficking, the Inspectorate coordinates with other institutions for the provision of assistance to any victims and they are referred to the Office of the Public Prosecutor to initiative any corresponding judicial action.

The Committee also notes that the United Nations Committee on the Elimination of Discrimination against Women, in its concluding observations in 2023, drew attention to the limited financial resources allocated for the implementation of Act No. 19.643, and the limited measures to prosecute and punish perpetrators of trafficking in persons (CEDAW/C/URY/CO/10). Further, in its concluding observations in 2023, the United Nations Committee on the Protection of All Migrant Workers and Members of their Families referred to the increase in cases of trafficking of migrant women, especially in domestic service (CMW/C/URY/CO/2).

The Committee notes this information, while also noting the lack of information on the number of investigations, current prosecutions and penalties imposed in relation to the crime of trafficking in persons for sexual and/or labour exploitation. ***The Committee therefore requests the Government to***

renew its efforts to strengthen the capacity to identify and investigate situations of trafficking in persons, including in domestic service, and to prosecute those responsible. In this regard, it once again requests the Government to provide information on the number of investigations and prosecutions initiated and completed in relation to cases of trafficking in persons (section 78 of the Migration Act), specifying the number of cases in which penal sanctions have been imposed on the perpetrators. Lastly, it requests the Government to indicate the number of cases in which the labour inspection services have detected potential situations of trafficking in persons and have coordinated their investigations with the Office of the Public Prosecutor.

Article 2(2)(c). Work by convicted prisoners for private entities. The Committee previously requested the Government to clarify the relationship between section 41 of Legislative Decree No. 14.470 of 1975, under the terms of which work by prisoners is compulsory, and Decree No. 225/006 (section 65), which provides that, before commencing any type of work, prisoners have to give their consent in writing. In reply, the Government reports the adoption of Decree No. 407 of 2021, issuing the Regulations respecting the serving of sentences through work or studies, which repealed Decree No. 225/006.

The Committee notes that section 40 of the new Regulations reiterates that prison labour shall be compulsory for all convicts and failure to perform the work shall be subject to disciplinary measures. Section 44 also provides that prisoners may benefit from a special labour relationship with private institutions for the performance of work within and outside the prison, under the terms of the agreements concluded between private enterprises and prisons. The work performed by prisoners under this labour relationship shall be paid.

The Committee further notes that the Regulations have not retained the provision requiring prisoners to give their consent in writing before commencing any type of work (section 65 of repealed Decree No. 225/006). Instead, section 11 provides that each prison shall draw up a list of prisoners who are registered to perform such work, on which prisoners interested in performing work may have their names included. In this regard, the Government indicates that it is usually specified in the agreements that the prisons, based on prior selection, offer enterprises a list of prisoners who volunteer to work for them. It adds that the various enterprises and institutions select prisoners from this "labour exchange" to perform the work set out in the agreements.

The Committee also notes that, according to a report on the situation of the contract for public–private participation of the Punta de Rieles prison "PPL Unit No. 1" for the period July–December 2022 (available on the official website of the Ministry of Economy and Finance), under the terms of that contract, 107 prisoners are engaged in work in toilets, kitchen work, food distribution, internal logistics and stores, gardening, outside maintenance and building work in authorized areas.

The Committee observes that both section 41 of Legislative Decree No. 14.470 and section 40 of the Regulations issued by Decree No. 407 of 2021 provide that work is compulsory for prisoners. From a reading of section 11 of the Regulations, which provides for a list of persons registered for work, it is not clear that the prisoner formally gives prior consent to the performance of work for private enterprises under the agreements concluded between prisons and these enterprises.

In this regard, the Committee wishes to recall that prison labour for private entities is not incompatible with the Convention only where the necessary safeguards exist to ensure that the prisoners concerned offer themselves voluntarily by giving their free, formal and informed consent and without being subject to pressure or the menace of any penalty, including the loss of a right or a privilege (advantage), and when such work is performed under conditions approximating a free labour relationship (see the (see the 2012 General Survey on the fundamental Conventions, paragraphs 279 and 291).

The Committee therefore requests the Government to take the necessary measures to ensure that, in both law and practice, prisoners give their free, formal and informed consent to the performance of work for private entities, within the framework of contracts concluded between the

private enterprise and the prisons or agreements concluded in the context of public–private partnerships for the development of infrastructure or the provision of related services in the prison context. The Committee requests the Government to provide examples of such contracts and agreements.

The Committee is raising other matters in a request addressed directly to the Government.

Uzbekistan

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1997)

Previous comment

The Committee notes the observations of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), received on 8 October 2020, and of the Government's reply to these observations, received on 8 February 2021. The Committee also takes note of the observations of the IUF of 31 August 2023.

Article 1(b) of the Convention. Mobilization and use of labour for purposes of economic development in agriculture (cotton production). The Committee previously took due note of the measures taken by the Government and their impact on reducing the number of cases of forced labour in cotton harvesting. It noted however that while a vast majority of pickers were not in forced labour, there were still a considerable number of cases of forced labour (6.8 per cent or 170,000 people) mainly because the legacy of the centrally planned agriculture and economy (centrally set quotas) was still conducive to the exaction of forced labour and because the uneven implementation of national policies, especially at the local level, remained a challenge.

The Committee notes the Government's statement, in its report, that over recent years, wide-ranging reforms have been enacted in Uzbekistan and measures have continued to be implemented to eradicate forced labour, including improvements to the national legislation and its implementation in practice, creating greater public awareness of the negative impacts of forced labour through various seminars and training sessions, and increased active collaboration with international organizations. In March 2020, the President of Uzbekistan signed Decree No. PP-4633 to abolish the state order for cotton and committed to abandoning state regulation of the cotton production quota, pricing and the compulsory purchase of cotton to take effect as of the 2020 harvest.

The Government indicates, in its report, that joint efforts with the ILO since 2013, including through third-party monitoring of the prohibition on child labour and forced labour in the cotton industry, have led to the development of substantive measures in all key areas, with the result that Uzbekistan has succeeded in ridding itself of systemic child and forced labour. The Government further states that, in light of the measures taken, on 10 March 2022 the Cotton Campaign coalition announced the end of the cotton boycott of Uzbekistan.

The Government further indicates that monitoring of the cotton harvest has continued with the intention of preventing forced labour in the cotton growing industry, as well as other sectors of the economy. In 2021, the last ILO third-party monitoring of child and forced labour during the cotton harvest took place, which found that Uzbek cotton was free from systematic forced labour and that all provinces and districts had very few or no forced labour cases, with about 1 per cent of cotton pickers being subjected to direct or perceived forms of coercion.

According to the Government, systematic monitoring was conducted in 2022 in all regions of the country to preserve labour relations and counter forced labour and child labour, through four distinct mechanisms: (1) independent monitoring of the cotton harvest by civil society representatives; (2) oversight of relevant departments and assessment of conditions in various clusters and farming enterprises by the Senate of the Oliy Majlis; (3) national monitoring by the Federation of Trade Unions (FTU) of various entities, including farming enterprises and local authorities; and (4) complaints about

forced labour and labour rights violations submitted to the National Labour Inspectorate, mostly via hotlines and social media. The Committee notes that while no evidence of systematic forced labour was found by these monitoring mechanisms, the investigations of the National Labour Inspectorate led to the imposition of fines amounting to 361.5 million soum on 26 officials for facilitating forced labour (in accordance with section 51 of the Administrative Liability Code) and the prosecution of 15 others for labour law violations, including for failing to ensure decent working conditions.

The Committee further notes that, in collaboration with the ILO, the Government is continuing to promote decent work principles in Uzbekistan, improve workplace environments and strengthen the mechanisms that protect citizens' labour rights, particularly through the 2021–2025 Decent Work Country Programme (DWCP) and the new project RISE for Impact Fundamental Principles and Rights at Work in the Cotton Supply Chain (2023–2026). The latter aims to enhance knowledge of cotton growing communities, district branches of constituents, farmers' unions and civil society organizations concerned on the five Fundamental Principles and Rights at Work, and support the independent monitoring process of the cotton harvest within the ILO's mandate for the elimination of forced labour and child labour in the country.

The Committee takes due note of the measures taken by the Government. It notes, however, that in its observations of 2020 and 2023, the IUF points to remaining challenges for the complete eradication of forced labour, including the forced mobilization of pickers to work on private cluster farms. The IUF indicates that, since the agricultural sector's privatization began in 2018, the Government has introduced "agricultural clusters" which are vertically integrated private companies responsible for processing crops. While the Government, in its reply to the IUF's observations of February 2021, shares information on the functioning of the cluster method and measures taken to improve working conditions in farm enterprises and clusters, including the prohibition for local authorities and officials against interfering in the operation of clusters, the IUF claims that these clusters remain closely aligned with state policies and are often controlled or influenced by Government officials. While farmers can technically grow their own cotton outside of the cluster system, they lack access to the low-interest government credit that is essential for cotton production, as this financial support is only available to agricultural clusters. Moreover, due to time constraints and their vulnerable position at the start of the year, farmers often sign blank contracts with clusters before preparing their land at the beginning of the year, with the price for their cotton only revealed at the end of the year, after the cotton has been delivered, and leaving farmers at risk of receiving less money than they spent on production, deepening their financial vulnerability. Farmers also have limited bargaining power, as they are bound by geography to specific clusters and face restrictions on forming associations.

The Committee also takes note of the observations of the IUF according to which, during the 2022 cotton harvest, monitors found cases of forced labour and extortion, especially in areas with low populations and during the later stages of the harvest when recruiting voluntary workers became more challenging. According to the IUF, the State continues to own all agricultural land in Uzbekistan and the Government maintains oversight of the organization of the harvest with de facto quotas, now called "district forecasts", still in place and local administrations *(hokimiyats)* continue to pressure neighbourhood councils *(mahallas)* and farmers to meet these quotas. The IUF reports that coercion to pick cotton intensified in October 2022 as the cotton supply dwindled, reducing pickers' earnings. *Hokims* ordered public employees to work in the fields in districts struggling to meet production targets or lacking enough workers. Many pickers indicated they would face negative consequences, such as issues with their *mahalla* or workplace, if they refused. Employees from *hokimiyats*, schools, hospitals and other public institutions also reported being forced to pick cotton.

The Committee therefore requests the Government to strengthen its efforts, including through its cooperation with the ILO and the social partners, to ensure the complete eradication of forced labour during the cotton harvest. In this regard, it encourages the Government to take the necessary measures to ensure the effective implementation of the DWCP and the RISE for Impact project and to

address the root causes leading to the coercion of pickers to pick cotton, including the issues created by the cluster system and the pressure exercised by local authorities. The Committee requests the Government to continue to provide information on the measures taken to this end and the specific results achieved, including the number of inspections conducted and penalties applied.

The Committee is raising other matters in a request addressed directly to the Government.

Viet Nam

Forced Labour Convention, 1930 (No. 29) (ratification: 2007)

Previous comment: observation

Previous comment: direct request

Articles 1(1) and 2(1) of the Convention. Work exacted in drug rehabilitation centres. In its previous comments, the Committee noted that under the 2012 Law on Handling Administrative Violations (sections 95, 96, 103 and 104), drug addicts who have reached the age of 18 can be sent upon decision of a district-level People's Court to compulsory drug rehabilitation centres for a period of 12 to 24 months to receive medical treatment, perform labour and pursue general education. It noted that Decree No. 221/2013/ND-CP (as amended by Decree No. 136/2016/ND-CP) regulates the labour conditions for persons treated in compulsory drug rehabilitation centres and prohibits exploitation of their labour force.

In reply to the Committee's request, the Government indicates that, from January 2020 to Decembre 2022, public drug rehabilitation centres provided rehabilitation for 63,253 drug addicts. At the end of February 2023, a total of 23,185 persons were undergoing compulsory rehabilitation in public drug rehabilitation centres, and 3,603 engaged in voluntary rehabilitation. A total of 2,579 persons stayed in the establishment waiting for the confirmation of their drug addiction status. The types of work performed by persons subject to compulsory drug rehabilitation include cooking, ornamental work, raising poultry and production of unburnt bricks. The Government also refers to the adoption of Decree No. 116/2021/ND-CP (which replaces Decree No. 221/2013/ND-CP and Decree No. 136/2016/ND-CP). Pursuant to section 25 of that Decree, rehabilitation labour in drug rehabilitation centres aims to help drug addicts improve their physical and mental health, enhance their sense of organization and discipline at work, and increase their independence and awareness of the value of labour. Drug rehabilitation centres that organize rehabilitation labour or their employer partners must ensure compliance with the labour law (section 61).

The Committee further notes the adoption of the Law on Prevention and Control of Narcotic Substance in 2021. According to section 28 of this Law, rehabilitation measures for drug addicts consist of *voluntary rehabilitation* (which can take place in families, communities or rehabilitation centres) and *compulsory rehabilitation* in public drug rehabilitation centres. Therapeutic work is included as one of the rehabilitation measures that must be carried out by persons undergoing compulsory drug rehabilitation. The Government clarifies that drug addicts engaged in voluntary rehabilitation do not have to perform rehabilitation labour. The Committee also observes that, pursuant to section 32 of the law, persons above 18 years of age who are subject to the administrative remedy of compulsory rehabilitation in rehabilitation centres include those who: (i) fail to register for, fail to undergo or stop voluntary rehabilitation without permission; (ii) are undergoing voluntary rehabilitation and are found to have used a narcotic substance illegally; (iii) are dependent on opioids and fail to register for, fail to undergo or stop opioid substitution therapy without permission or are forced to terminate opioid substitution therapy after committing a violation against regulations on dependence treatment; and (iv) relapse while subject to post-rehabilitation management.

In this regard, the Committee wishes to recall that work imposed in drug rehabilitation centres under compulsory rehabilitation can only be excluded from the scope of the Convention if it meets the

requirements set forth in *Article 2(2)(c)*, namely: (i) it should be imposed on a person as a consequence of a conviction in a court of law; (ii) it must be subject to the supervision and control of a public authority and; (iii) the person shall not be hired to or placed at the disposal of private entities. No compulsory labour may be imposed unless the person concerned has been found guilty of an offence and as a result of a due process of law. This implies respect for the guarantees necessary for defence and a clear definition of the offence (see the 2007 General Survey on the eradication of forced labour, paragraph 52).

The Committee observes that in the present case, it is not clear whether the situations enumerated under section 32 of the Law on Prevention and Control of Narcotic Substance constitute offences and whether the imposition of compulsory drug rehabilitation (that involves compulsory therapeutic work) constitutes a penalty for that offence. Moreover, from the reading of sections 40 to 43 of Decree No. 116/2021/ND-CP, the Committee understands that the request for the application of the remedy of consignment into a compulsory drug rehabilitation centre is made by the head of Division of Labour, Invalids and Social Affairs who shall prepare and transfer the dossier of the person concerned to the district-level People's Court for decision. However, it is not clear whether the decision taken by the Court is the result of a court trial in which the drug addict is a party and can exercise his or her right to defence.

The Committee therefore requests the Government to clarify whether the imposition of therapeutic work as part of compulsory drug rehabilitation, under section 32 of the Law on Prevention and Control of Narcotic Substance, is the result of a conviction for the commission of an offence, and whether such a conviction is rendered by a court of law following a trial. The Committee also requests the Government to indicate in which cases a drug addict can undergo voluntary rehabilitation and in which cases that person is obliged to undergo compulsory drug rehabilitation. Lastly, the Committee requests the Government to provide examples of judicial decisions imposing compulsory drug rehabilitation in the cases prescribed under section 32 of the 2021 Law on Prevention and Control of Narcotic Substance.

Articles 1(1), 2(1) and 25. Trafficking in persons. 1. *Institutional framework.* The Committee notes that the Government indicates that the Prime Minister issued Decision No. 193/QD-TTg approving another Action Programme to Prevent and Combat Trafficking in Persons 2021–2025. In this context, the Government has adopted various implementation plans and inter-sectoral regulations, including in relation to prevention, investigation and support of victims. The Committee also notes that the Ministry of Public Security is leading the review of the Law on Prevention and Suppression of Trafficking in Persons. ***The Committee requests the Government to indicate the measures taken under the Action Programme to Prevent and Combat Trafficking in Persons 2021–2025, both at the national and provincial level, as well as information on any evaluation of the implementation of this programme, including in relation to progress achieved and challenges identified. The Committee also requests the Government to provide updated statistical information on trafficking in persons, if possible, disaggregated by gender and economic sector.***

2. *Protection of victims.* The Committee notes that the Ministry of Labour has issued a Plan to support victims of trafficking for the period 2021–2025. In all provinces, a network of collaborators has been established at district and community levels for receiving and supporting victims in integrating into the community. Victims of trafficking are provided with support for temporary accommodation, psychosocial counselling and medical assistance, and can receive subsidies for meals and transportation. In addition, victims can benefit from vocational training, job placement and general education measures. The Committee further notes that, from January 2019 to the first half of 2023, 592 persons were recognized as victims of trafficking and received support. ***The Committee requests the Government to continue providing information on the early detection and effective protection of victims of trafficking in persons, who have benefited from protection and reintegration measures,***

including Vietnamese victims of trafficking in persons abroad, as well as on measures adopted to facilitate their voluntary repatriation.

3. *Prosecution and application of penal sanctions.* The Committee notes the adoption of Resolution No. 02/2019/NQ-HDTP by the Council of Judges of the Supreme People's Court, containing guidelines for the application of section 150 of the Criminal Code which criminalizes trafficking in persons for sexual slavery and coercive labour. The Government indicates that, from January 2019 to December 2022, People's Courts accepted 396 first-instance cases related to trafficking in persons and other related crimes. Out of 205 cases brought under section 150 of the Criminal Code, 197 were handled and tried. Courts sentenced 23 defendants to imprisonment for over 15 years, 157 for 7 to 15 years, 117 for 3 to 7 years, and 20 for 3 years or less. The Committee further notes that the Council of Judges of the Supreme People's Court has organized training to guide the application of section 150 of the Criminal Code. A workshop was organized in collaboration with INTERPOL on collection of evidence in investigations concerning trafficking in persons. Training courses have also been conducted in collaboration with ASEAN and UNDP to strengthen capacities of prosecutors in the investigation of trafficking cases. ***The Committee requests the Government to continue strengthening the capacity of law enforcement bodies to identify and investigate properly cases of trafficking in persons for both labour and sexual exploitation so that alleged perpetrators can be brought to justice and convictions imposed under section 150 of the Criminal Code. The Committee requests the Government to provide information on the number of investigations, prosecutions and convictions concerning cases of trafficking in persons.***

The Committee is raising other matters in a request addressed directly to the Government.

Zambia

Forced Labour Convention, 1930 (No. 29) (ratification: 1964)

Previous comment

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. *National action plan. Implementation and assessment.* Following its previous comments, the Committee notes that the Government adopted a National Policy on Human Trafficking and Smuggling of Migrants and its implementation plan in 2022. As pointed out in the National Policy, Zambia is facing both internal and transnational trafficking, as a source, transit and destination country for victims. The country has reported an increase in cases of trafficking, including of women and young men.

The Committee notes that the National Policy is based on four pillars, namely prevention, protection of victims, prosecution of offenders, and partnerships. It sets four objectives: (i) to reduce the incidences of trafficking in persons by 2030; (ii) to enhance the capacity of the criminal justice system to investigate, identify and prosecute trafficking in persons cases by 2026; (iii) to strengthen national capacity to provide protection services and care for victims, witnesses and potential victims of trafficking by 2030; and (iv) to strengthen national, regional and international coordination and cooperation to curb trafficking in persons by 2025. ***The Committee requests the Government to provide information on the measures taken to implement the National Policy on Human Trafficking and Smuggling of Migrants and achieve its objectives. It also requests the Government to indicate if any assessment of the implementation of the National Policy has been undertaken, specifying the results achieved, the difficulties encountered and the measures contemplated as a consequence.***

2. *Identification and protection of victims.* In its previous comments, the Committee took note of the steps taken by the Ministry of Community Development and Social Services (MCDSS) to provide protection and assistance to victims of trafficking, including through six places of safety. The Government indicates in its report that the MCDSS handled a total number of 2,782 cases of trafficking between January 2020 and June 2023, involving both child and adult victims, including 80 cases in the

first quarter of 2023. Victims were provided with basic needs such as clothing, food, psychosocial counselling and shelter at places of safety. The Government points out that the Anti-Human Trafficking Fund, designed for the rehabilitation and reintegration of victims, is not yet operational. The Committee also notes that, according to information contained in the 2022 National Policy on Human Trafficking and Smuggling of Migrants, identification of trafficked persons in the country continues to be a challenge, the Government has developed a National Referral Mechanism, which is supported by the Minimum Standard Guidelines on the Protection of Victims of Trafficking, but that the Guidelines are not comprehensive in the manner and nature of support.

The Committee requests the Government to strengthen its efforts and take measures to ensure the effective identification of victims of trafficking for both sexual and labour exploitation, and to provide them with appropriate and adequate protection and assistance, including through the National Referral Mechanism and its Guidelines and the effective functioning of the Anti-Human Trafficking Fund. The Committee requests the Government to continue to provide information on the number of victims who have been identified, indicating how many of them received assistance and the type of assistance granted.

3. *Prosecution and application of penalties.* In relation to the action of the National Prosecution Authority (NPA) to strengthen the capacity of law enforcement officials, the Government indicates that the NPA is pursuing its activities to build the capacity of prosecutors and investigators in relation to transnational crime, including trafficking in persons, in partnership with a number of regional and international bodies. These activities include: training of prosecutors, state advocates and investigators; the exchange of information and sharing of best practices between countries in the region; and the development and updating of manuals on trafficking in persons for prosecutors and officials. The Government also indicates that, with a view to facilitating evidence-gathering and contributing to the effectiveness of prosecutions, the NPA has operationalized the Witness Management Fund, set up to provide logistical support to witnesses and victims called to testify in all cases prosecuted by the NPA, including trafficking in persons.

The Government also states that the NPA has a presence in all ten provinces of the country and works to strengthen coordination and cooperation with key stakeholders, such as police investigators and the judiciary, in the fight against trafficking in persons. The NPA is now part of the National Committee on Human Trafficking, through the appointment of trafficking in persons National Focal Point Persons to represent the NPA, and takes part in the subcommittee on prosecution. In addition, assistant Focal Point Persons have been appointed in all ten provinces, to develop harmonized approaches in the prosecution of trafficking in persons and to facilitate the flow of information among provinces. The Committee notes that the incorporation of several members in the National Committee, including the NPA and the judiciary, was made possible through the Anti-Human Trafficking (Amendment) Act, 2022. The Committee further notes that this Amendment Act establishes the Anti-Human Trafficking Department, within the Ministry of Home Affairs, responsible for the administration of the Anti-Human Trafficking Act of 2008.

The Committee notes that, in its 2023 concluding observations, the United Nations Human Rights Committee expressed concern about reports of trafficking in women, including for forced domestic work and sexual exploitation, and about the low number of investigations, convictions and sanctioning of perpetrators (CCPR/C/ZMB/CO/4).

The Committee encourages the Government to pursue its efforts to strengthen the capacity of law enforcement officials in order for them to identify, promptly investigate and prosecute cases of trafficking, with emphasis given to the sectors where women are victims of trafficking. The Committee requests the Government to provide information in this regard as well as on the number of investigations, prosecutions, convictions and penalties imposed under the Anti-Human Trafficking Act. The Committee also requests the Government to provide information on the activities undertaken by

the Anti-Human Trafficking Department to ensure better knowledge and implementation of the Anti-Human Trafficking Act.

Article 2(2)(a). National service obligations. For many years, the Committee has been drawing the Government's attention to the need to amend or repeal the National Service Act, 1971, which permits compulsory national service of a non-military character. Under section 3 of the Act, the functions of the Zambian National Service include training citizens to serve the Republic and the employment of service members in tasks of national importance. Section 7 provides that citizens between the ages of 18 and 35 shall be liable to have their names in the National Service register and may be called upon to serve.

The Committee notes that the Government once again indicates that the National Service Act, 1971, is in the process of being reviewed. The Committee is bound to note with ***regret*** the absence of measures to bring the provisions of the above-mentioned legislation into conformity with the Convention. The Committee recalls that according to *Article 2(2)(a)*, work or service exacted in virtue of compulsory military service laws is excluded from the scope of the Convention only when it is of a purely military character. ***The Committee firmly hopes that the Government will take the necessary measures to amend the Act so as to limit the work exacted as part of the Zambian National Service, work which is of a purely military nature, in compliance with Article 2(2)(a). The Committee requests the Government to provide information on the number of citizens who have been called to perform compulsory national service, as well as on the nature of the work to which they are assigned.***

The Committee is raising other matters in a request addressed directly to the Government.

Zimbabwe

Forced Labour Convention, 1930 (No. 29) (ratification: 1998)

Protocol of 2014 to the Forced Labour Convention, 1930 (ratification: 2019)

Previous comment

The Committee welcomes the ratification by Zimbabwe of the Protocol of 2014 to the Forced Labour Convention, 1930. ***Noting that the first report of the Government has not been received, the Committee requests the Government to provide detailed information on the application of the Protocol, in accordance with the report form adopted by the Governing Body.***

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 27 September 2023.

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. *National policy.* The Committee notes that, according to the ITUC, human trafficking is still taking place in the country, including through the abduction of adults and children. The ITUC also indicates that little progress has been made in the implementation of the Trafficking in Persons Act since its adoption in 2014.The ITUC further observes that there is still a lack of awareness on the issue of trafficking in persons, as well as limited policies and programmes in place to assist and protect victims of trafficking.

The Committee notes in this regard the Government's information, in its report, that a new National Action Plan (NAP) to combat human trafficking was launched in July 2023, for the period 2023 to 2028. The Committee also notes the Government's information that an Inter-Ministerial Committee (IMC) was established to ensure the coherent and effective implementation of the Trafficking in Persons Act, 2014. The IMC is subdivided into the four thematic pillars of prevention, prosecution, protection and partnerships.

The Committee encourages the Government to continue its efforts to combat trafficking in persons and requests it to provide information on the action of the IMC and on the specific measures taken to ensure the proper implementation of the NAP 2023–2028 and of the Trafficking in Persons Act, 2014. The Committee requests the Government to provide information in this regard as well as on the

assessment of the implementation of the NAP, indicating the results achieved and the challenges encountered.

2. *Identification and protection of victims.* Following its previous comments, the Committee notes the Government's information that the protection pillar of the IMC subcommittee has provided repatriation and reintegration services to 107 victims who were trafficked to countries in the Middle East (104 women and 3 men). The victims were given psychosocial support and reintegration packages, and follow-up visits were undertaken to supervise the progress of their reintegration. The Government further indicates that it has established two Migrant Resource Centres in Harare and Bulawayo, the major functions of which are to raise awareness of human trafficking and combat unethical and unfair recruitment by traffickers.

The Committee further notes that Part III of the Trafficking in Persons Act, 2014, mandates the Minister responsible for social services to ensure that at least one centre for victims of trafficking is established in each province. Among other things, these centres must secure the safety of victims from any harm by their traffickers, and offer services such as counselling, rehabilitation, reintegration and care.

The Committee requests the Government to pursue its efforts to ensure adequate identification and protection of victims of trafficking for both labour and sexual exploitation, and to continue to provide information on the measures taken in this regard, including on assistance and repatriation of victims. The Committee also requests the Government to indicate the progress made in establishing the centres for victims of trafficking in each province of the country, as envisaged under the Trafficking in Persons Act, as well as on the number of victims of trafficking who have benefited from protection, rehabilitation and reintegration services provided by these centres.

3. *Prosecution and application of penalties.* The Committee notes the Government's information that various awareness-raising campaigns supported by the Ministry of Information have increased public awareness on human trafficking and resulted in the public giving tips to law enforcement bodies. This has in turn led to an increase in the prosecution of offenders. The Government indicates that 15 offenders were prosecuted and 4 convicted and sentenced to prison sentences ranging from 36 months to 70 years.

The Committee requests the Government to continue strengthening the capacity of law enforcement bodies to effectively identify, investigate and prosecute cases of trafficking in persons, including through measures aimed at enhancing their skills and knowledge and improving their ability to proactively detect cases of trafficking. Lastly, the Committee requests the Government to provide updated information on the number of cases of trafficking in persons, for both sexual and labour exploitation, that have been detected and investigated by the competent authorities, along with the number and nature of convictions and penalties imposed under the Trafficking in Persons Act, 2014.

Articles 1(1) and 2(1). Legislation concerning vagrancy. In its previous comments, the Committee took note of certain sections of the Vagrancy Act (Cap. 10:25) and observed that these provisions were worded in such general terms as to lend themselves to application as a means of indirect compulsion to work (sections 2(a) and (b) and 7(1)). The Committee notes the Government's indication that the Vagrancy Act will be repealed.

The Committee firmly hopes that the Government will take the necessary measures, without delay, to ensure that the Vagrancy Act will be repealed or amended, to remove from the national legislation any provisions whose application have the consequence of compelling persons to work or to limit such provisions to situations where the persons concerned disturb public order or tranquillity or engage in unlawful activities.

The Committee is raising other matters in a request addressed directly to the Government.

Abolition of Forced Labour Convention, 1957 (No. 105) (ratification: 1998)

Previous comment

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 27 September 2023.

Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for the expression of views opposed to the established political, social or economic system. For a number of years, the Committee has been drawing the Government's attention to a number of provisions of the national legislation allowing for the imposition of penal sanctions involving compulsory labour and expressed concern about their continued use as a punishment for the expression of political views or views opposed to the established political, social or economic system. Both the Committee and the Conference Committee on the Application of Standards of the International Labour Conference, in June 2021, urged the Government to repeal or amend these provisions in order to ensure compliance with *Article 1(a)* of the Convention. The provisions in question are the following:

- sections 31 and 33 of the Criminal Law (Codification and Reform) Act (Cap. 9:23) (Criminal Law) relating to publishing false statements against the State and insulting the President.
- sections 37 and 41 of the Criminal Law, providing for imprisonment for participating in meetings or gatherings with the intention of disturbing public order, using threatening or abusive language, intending thereby to provoke a breach of peace, and engaging in disorderly conduct for the same purpose.
- sections 7(5) and 8(11) of the Maintenance of Peace and Order Act No. 9 of 2019 (MOPA), providing for imprisonment for failing to notify authorities of public demonstrations or failing to comply with prohibition notices or conditions for public gatherings.

The Committee notes that the Prisons Act, which previously provided for compulsory prison labour for persons convicted to a penalty of imprisonment, has been repealed through the enactment of the Prisons and Correctional Service Act, 2023. The Committee notes the Government's information, in its report, that the principles within the Prisons and Correctional Service Act emphasize that the objective of the work by prisoners is essentially for rehabilitation purposes, aimed at facilitating successful reintegration into society after serving sentences. The Government states that its practice is in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), which emphasize the issue of work for the rehabilitation of inmates. The Government adds that sections 7(5) and 8(11) of the MOPA relate to penalties for failing to give notice of a gathering, as required by the law, and have no relation to issues of forced labour. Similarly, the Government considers that sections 31, 33, 37 and 41 of the Criminal Law only apply to persons who engage in the conducts in question with malicious intent. In both cases, the Government contends that the use of labour as part of a sentence is no longer practiced in Zimbabwe given the correctional and rehabilitation thrust currently being implemented in Zimbabwean prisons.

In this regard, the Committee observes that section 124 of the new Prisons and Correctional Service Act reprises the provisions of section 76(1) of the Prisons Act, stipulating that every inmate under sentence of imprisonment "may be kept to work" within or outside the precincts of any prison or correctional facility in any part of the country and in any work or activity that may be approved by the Minister responsible for Prisons and Correctional Service. The Committee also notes that, under section 124 of the Act, unconvicted inmates "may elect" to be given light work. Therefore, the Committee observes that prison labour remains compulsory for convicted persons who receive prison sentences. In this respect, the Committee recalls that, even if designed for rehabilitation purposes, compulsory prison labour has an impact on the application of the Convention when it is imposed with respect to one of the circumstances covered under *Article 1* of the Convention.

Moreover, the Committee notes that, in its observations, the ITUC expressed regret that despite numerous and strong comments on these issues, workers in Zimbabwe still face penal sanctions involving compulsory labour as a punishment for expressing views opposed to the established political, social or economic system or for having participated in strikes. The ITUC further alleges that the MOPA and the Criminal Law continue to be applied in a manner to limit the civil liberties and fundamental labour rights of workers, leading to the exaction of heavy fines and long-term prison terms with compulsory labour for any infringement. The legal provisions in question, having remained unchanged, create a climate of fear and repression, impeding the full exercise of civil liberties in the country. The ITUC refers to cases of trade unionists and workers who were again victims of violent acts and arbitrary arrests in 2022. In particular, the ITUC refers to the arrests of Obert Masaraure and Robson Chere, president and Secretary-General respectively of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) who faced the same charges related to murder, despite a court inquest that concluded that there had been no foul play. These arrests followed the announcement by the trade union in June 2022 of its intention to organize protest actions. The ITUC further recalls that Obert Masaraure has also been facing charges on three counts in three cases since 2019, including the charge of obstructing justice after tweeting that Robson Chere was innocent (in 2022). The ITUC demands the unconditional release of Robson Chere and a withdrawal of all pending criminal cases against him, Obert Masaraure and all other ARTUZ members arrested in January 2022 over a salary protest.

The ITUC also highlights the newly introduced section 22A of the Criminal Law, which addresses "wilfully injuring the sovereignty and national interest of Zimbabwe". This provision establishes penalties ranging from 20 years to life imprisonment, or even the death penalty, for individuals who participate in meetings involving or convened by foreign government agents to discuss or plan actions such as armed intervention, the subversion or overthrow of Zimbabwe's constitutional Government, or the consideration or implementation of sanctions or trade boycotts against Zimbabwe. The ITUC observes that these new provisions are in violation of the Convention and further interfere with the exercise of fundamental freedoms, including the right to freedom of association, the right to peaceful assembly, freedom of expression and the right to information.

The Committee notes in this regard that, in his report of 26 September 2022 following his visit to Zimbabwe, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, recalling that he had called upon the Government to revise sanctions so as not to dissuade the holding of future peaceful assemblies and demonstrations, noted that the MOPA still imposes penalties on assembly organizers where no harm has occurred, with the apparent intent of dissuading the holding of peaceful assemblies in practice (A/HRC/50/23/Add.3). Additionally, in a press release dated 24 May 2023, the United Nations Special Rapporteur on the situation of human rights expressed concern about the ongoing legal proceedings against human rights defender Obert Masaraure and called for the charges against him to be dropped, indicating that she witnessed what appeared to be "a systematic targeting of human rights defenders from ARTUZ" who were working to promote the right to education and the right to an adequate standard of living for educators in rural areas of Zimbabwe.

The Committee must express its ***deep concern*** that the practice of arrests, prosecutions and convictions involving the imprisonment of persons exercising their right to peaceful assembly still continues and that the legal basis for imposing labour on a person sentenced to imprisonment still exists, in contravention with *Article 1(a)* of the Convention. ***The Committee once again strongly urges the Government to take necessary measures to review sections 22A, 31, 33, 37 and 41 of the Criminal Law, as well as sections 7(5) and 8(11) of the MOPA, to ensure that no penalties involving compulsory labour are imposed on anyone for peacefully expressing political views or holding ideological views opposed to the established political, social or economic system.***

Pending the adoption of such measures, the Committee requests the Government to provide information on the application of the above-mentioned provisions in practice, including on the number of convictions and penalties imposed, as well as on the facts that led to the imposition of convictions.

Article 1(d). Penal sanctions involving compulsory labour as a punishment for having participated in strikes. The Committee previously took note of certain provisions of the Labour Act (sections 102(b), 104(2)–(3), 109(1)–(2), and 112(1)) that establish sanctions of imprisonment, which involve compulsory prison labour, for persons engaged in an unlawful collective action.

The Committee notes the Government's information that the newly enacted Labour Amendment Act 11 of 2023 has reduced the notice period of intention to go on strike from 14 to 7 days, under section 104(2) of the Labour Act. Moreover, the Government indicates that sections 109(1) and (2) of the Labour Act have been repealed. The Committee observes that these provisions have been replaced with the new sections 109(1) and (2), which retain the penalty of imprisonment for persons engaged in unlawful collective action. The new provisions make an explicit distinction in the penalties when unlawful collective action relates to an essential service (punishable by a fine and/or to imprisonment for a period not exceeding five years (as was the case previously)), or to any other case (punishable with a fine or, in the case of failure to pay the fine, imprisonment not exceeding one year). The same distinction is made under the provisions of section 109(2) of the new Labour Act.

The Committee notes that, in its observations, the ITUC underlines that, under new sections 104, 105 and 106 of the Labour Act, as amended in 2023, any strike can be deemed unlawful if the restrictive conditions imposed for its organization are not followed. Violations of orders under sections 104 to 106 result in criminal penalties, as provided for in sections 109, 111 and 112 of the same Act, including a jail term of one to five years and a fine. The ITUC further indicates that, adding to the provisions of the Labour Act, the Health Service Amendment Act No. 9 of 2022 prescribes a fine and or a jail term of six months, at the discretion of the Court, for health workers who engage in strikes or demonstrations (sections 16A(2)–(3)).

The ITUC observes that the above-mentioned laws and regulations have a profound impact on the trade union movement in Zimbabwe. Among other cases, the ITUC refers to Jacob Ngarivhume, leader of Transform Zimbabwe, who was sentenced to four years in prison for alleged incitement of violence after calling for a peaceful demonstration in 2020. The ITUC also recalls that Obert Masaraure, president of ARTUZ, is still facing charges of subverting a constitutionally elected Government (2019 Teachers Strike Action) and, along with 15 others, bigotry, resulting from the Teachers Strike Action in June 2022.

The Committee notes with ***regret*** that, despite its reiterated comments, the provisions of the Labour Act, and now of the Health Service Amendment Act No. 9 of 2022, still establish sanctions of imprisonment, which involves compulsory prison labour, for persons engaged in an unlawful collective action. In this respect, the Committee emphasizes that no penal sanctions (including imprisonment involving compulsory labour) should be imposed against a worker for having peacefully carried out a strike and thus for merely exercising an essential right. Such sanctions could be envisaged only where, during a strike, violence against persons or property, or other serious infringements of penal law have been committed or when the existence or well-being of the whole or part of the population is endangered.

Therefore, the Committee urges the Government to review sections 102(b), 104(2)–(3), 109(1)–(2), and 112(1) of the Labour Act, as amended by the Labour Amendment Act of 2023, and sections 16A(2)–(3) of the Health Service Amendment Act No. 99 of 2022, to ensure that, unless the well-being of the whole or part of the population is endangered, no penalties involving compulsory labour be imposed on workers for participating in strikes peacefully.

The Committee refers to its comments under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 29** *Barbados, Belize, Burundi, Chad, China, Comoros, Cook Islands, Croatia, Cuba, Djibouti, Dominican Republic, Equatorial Guinea, Ethiopia, Fiji, Guyana, Iraq, Libya, Malta, Montenegro, Netherlands (Aruba), Netherlands (Sint Maarten), Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, South Sudan, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Timor-Leste, Trinidad and Tobago, Tunisia, Türkiye, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland (Isle of Man), United Kingdom of Great Britain and Northern Ireland (Jersey), United Republic of Tanzania, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe;* **Convention No. 105** *Afghanistan, Barbados, Belize, Burundi, Chad, China, Comoros, Congo, Cook Islands, Cuba, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Guinea, Iraq, Japan, Jordan, Kenya, Libya, Montenegro, Mozambique, Netherlands (Aruba), Papua New Guinea, Peru, Philippines, Russian Federation, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Sierra Leone, South Africa, South Sudan, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uzbekistan, Yemen.*

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 29** *France (French Polynesia).*

Elimination of child labour and protection of children and young persons

Afghanistan

Minimum Age Convention, 1973 (No. 138) (ratification: 2010)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 1 of the Convention. National policy and application of the Convention in practice. The Committee previously noted the implementation of the various measures taken by the Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD) to prevent child labour, including: the National Child Labour Strategy, 2012, followed by a National Action Plan to prevent child labour in brick kilns; a National Strategy for the Protection of Children at Risk; and a National Strategy for Working Street Children, 2011. However, the Committee noted, that children in Afghanistan are engaged in child labour and often in hazardous conditions, including in agriculture, carpet weaving, domestic work, street work, and brick making. Moreover, 27 per cent of children between the ages of 5 and 17 years (2.7 million children) are engaged in child labour with a higher proportion of boys (65 per cent). Of this, 46 per cent are children between 5 and 11 years of age. At least half of all child labourers are exposed to hazardous working conditions such as dust, gas, fumes, extreme cold, heat or humidity. Moreover, 56 per cent of brick makers in Afghan kilns are children and the majority of these are 14 years of age and below.

The Committee notes that the Government's report contains no new information in this regard. The Committee once again notes with ***concern*** that a significant number of children under the age of 14 years are engaged in child labour, of which at least half are working in hazardous conditions. ***The Committee therefore urges the Government to strengthen its efforts to ensure the progressive elimination of child labour in all economic activities, both in the formal and informal sectors, and requests that the Government provide information on the measures taken in this regard, as well as the results achieved.***

Article 2(1). Scope of application. The Committee noted that according to sections 5 and 13 of the Labour Law, read in conjunction with the definition of a "worker", the Law applies only to labour relations on a contractual basis and, therefore, that the provisions of the Labour Law did not appear to cover the employment of children outside a formal employment relationship, such as children working on their own account or in the informal economy.

Noting the absence of information provided in this regard in the Government's report, the Committee recalls that the Convention applies to all sectors of economic activity and covers all forms of employment and work, whether or not there is a contractual employment relationship. ***The Committee therefore requests, once again, that the Government take the necessary measures to ensure that all children, including children working outside a formal employment relationship such as children working on their own account or in the informal economy, benefit from the protection laid down by the Convention. In this regard, the Committee encourages, once more, the Government to review the relevant provisions of the Labour Law in order to address these gaps as well as to take measures to strengthen the capacity and expand the reach of the labour inspectorate to the informal economy with a view to ensuring such protection in this sector.***

Article 7(1) and (3). Minimum age for admission to light work and determination of light work. The Committee previously noted that section 13(2) of the Labour Law sets 15 years as the minimum age for employment in light work in industries and section 31 prescribes a weekly working period of 35 hours for young persons between 15 and 18 years of age. It observed that the minimum age for light work of 15 years is higher than the minimum age for admission to employment or work of 14 years, specified by Afghanistan.

Noting the absence of information provided in this regard by the Government, the Committee once again draws the Government's attention to the fact that *Article 7(1)* of the Convention is a flexibility clause which provides that national laws or regulations may permit the employment or work of persons aged 13–

15 years in light work activities which are not likely to be harmful to their health or development and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority, or their capacity to benefit from the instruction received.

The Committee notes the lack of information contained in the Government's report and recalls once again that *Article 7(4)* permits member States who have specified a general minimum age for admission to employment or work of 14 years to substitute a minimum age for admission to light work of 12–14 years to that of the usual 13–15 years of age (see the 2012 General Survey on the fundamental Conventions, paragraphs 389 and 391). ***In view of the fact that a high number of children under 14 years of age are engaged in child labour in the country, the Committee once again requests that the Government regulate light work activities for children between 12 and 14 years of age to ensure that children who, in practice, work under the minimum age are better protected. The Committee also requests that the Government take the necessary measures to determine light work activities that children of 12–14 years of age are permitted to undertake and to prescribe the number of hours and conditions of such work, pursuant to Article 7(3) of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2010)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes the observations of the International Organisation of Employers (IOE) received on 30 August 2017, and the in-depth discussion on the application of the Convention by Afghanistan in the Committee on the Application of Standards at the 106th Session of the International Labour Conference in June 2017.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 106th Session, June 2017)

Articles 3(a) and 7(2)(b) of the Convention. All forms of slavery or practices similar to slavery and effective and time-bound measures. Compulsory recruitment of children for use in armed conflict and providing the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour, and for their rehabilitation and social integration. In its previous comments, the Committee noted that the Law on prohibiting the recruitment of child soldiers criminalizes the recruitment of children under the age of 18 years into the Afghan Security Forces. The Committee also noted that a total of 116 cases of recruitment and use of children, including one girl, were documented in 2015. Out of these: 13 cases were attributed to the Afghan National Defence and Security forces; five to the Afghan National Police; five to the Afghan Local Police; and three to the Afghan National Army; while the majority of verified cases were attributed to the Taliban and other armed groups who used children for combat and suicide attacks. The United Nations verified 1,306 incidents resulting in 2,829 child casualties (733 killed and 2,096 injured), an average of 53 children were killed or injured every week. A total of 92 children were abducted in 2015 in 23 incidents.

In this regard, the Committee noted the following measures taken by the Government:

- The Government of Afghanistan signed an Action Plan with the United Nations on 30 January 2011 to end and prevent the recruitment and use of children by the Afghan National Security Forces, including the Afghan National Police, Afghan Local Police and Afghan National Army.
- A roadmap to accelerate the implementation of the Action Plan was endorsed by the Government on 1 August 2014.
- The Government endorsed age-assessment guidelines to prevent the recruitment of minors.
- In 2015 and early 2016, three additional child protection units were established in Mazar e Sharif, Jalalabad and Kabul, bringing the total to seven. These units are embedded in Afghan National

Police recruitment centres and are credited with preventing the recruitment of hundreds of children.

The Committee notes that the Conference Committee recommended that the Government take measures as a matter of urgency to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children into armed forces and groups. It further recommended the Government to take immediate and effective measures to ensure that thorough investigations and prosecutions of all persons who forcibly recruit children for use in armed conflict are carried out, and that sufficiently effective and dissuasive penalties are imposed in law and practice. Finally, the Conference Committee recommended the Government to take effective and time-bound measures to provide for the rehabilitation and social integration of children who are forced to join armed groups.

The Committee notes the IOE's indication that children are engaged in armed conflict in Afghanistan. The Committee notes the Government representative's indication to the Conference Committee that the Law on the Prohibition of Children's Recruitment in the Armed Forces (2014), along with other associated instruments, has helped prevent the recruitment of 496 children into national and local police ranks in 2017. Moreover, the Ministry of Interior, in cooperation with relevant government agencies, was effectively implementing Presidential Decree No. 129 which prohibits, among others, the use or recruitment of children in police ranks. Inter-ministerial commissions tasked with the prevention of child recruitment in national and local police have been established in Kabul and the provinces, and child support centres have been set up in 20 provinces, with efforts under way to establish similar centres in the remaining provinces. Finally, the Committee notes the Government's indication that the National Directorate of Security has recently issued Order No. 0555, prohibiting the recruitment of underage persons and that the Order is being implemented in all security institutions and monitored by national and international human rights organizations. ***While acknowledging the complexity of the situation on the ground and the presence of armed groups and armed conflict in the country, the Committee requests the Government to continue its efforts in taking immediate and effective measures to put a stop, in practice, to the recruitment of children under 18 years by armed groups, the national armed forces and police authorities, as well as measures to ensure the demobilization of children involved in armed conflict. It once again urges the Government to take immediate and effective measures to ensure that thorough investigations and robust prosecutions of persons who forcibly recruit children under 18 years of age for use in armed conflict are carried out, and that sufficiently effective and dissuasive penalties are imposed in practice. Finally, it requests the Government to take effective and time-bound measures to remove children from armed groups and armed forces and ensure their rehabilitation and social integration, and to provide information on the measures taken in this regard and on the results achieved.***

Articles 3(b) and 7(2)(b). Use, procuring or offering of children for prostitution and providing the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. The Committee previously noted that concerns remained regarding the cultural practice of *bacha-bazi* (dancing boys), which involves the sexual exploitation of boys by men in power, including the Afghan National Defence and Security Forces' commanders. It also noted that there are many child victims of *bacha bazi*, particularly boys between 10 and 18 years of age who have been sexually exploited for long periods of time. The Committee further noted that some families knowingly sell their children into forced prostitution, including for *bacha-bazi.*

The Committee notes that the Conference Committee recommended the Government to take immediate and effective measures to eliminate the practice of *bacha-bazi.* It also recommended the Government to take effective and time bound measures to provide for the rehabilitation and social integration of children who are sexually exploited.

The Committee notes the Government representative's indication to the Conference Committee that the Child Protection Law has been submitted to Parliament for adoption and makes the practice of *bacha-bazi* a criminal offence. The Committee also notes the new Law on Combating Human Trafficking in Persons and Smuggling of Migrants of 2017 (Law on Human Trafficking of 2017). It notes that section 10(2) of this Law punishes the perpetrator of trafficking to eight years' imprisonment when the victim is a child or when the victim is exploited for the purpose of dancing. ***The Committee urges the Government to take the necessary measures to ensure the effective implementation of the prohibition contained in section 10(2) of the Law on Human Trafficking of 2017. It requests the Government to provide information on the results achieved to effectively eliminate the practice of bacha-bazi, to remove children from this worst forms of***

child labour and to provide assistance for their rehabilitation and social integration. It also requests the Government to provide information on the adoption of the Child Protection Law, and its effective implementation.

Article 7(2). Clauses (a) and (e). Preventing the engagement of children in the worst forms of child labour and taking into account the special situation of girls. Access to free basic education. The Committee previously noted the Government's statement that as a result of the past three decades of conflict, insecurity and drought, children and youth are the most affected victims, a majority of whom are deprived of proper education and training. The Committee noted that Afghanistan is among the poorest performers in providing sufficient education to its population. A large number of boys and girls in 16 out of 34 provinces had no access to schools by 2013 due to insurgents' attacks and threats that lead to the closure of schools. In addition to barriers arising from insecurity throughout 2015, anti-government elements deliberately restricted the access of girls to education, including closure of girls' schools and a ban on girls' education. More than 369 schools were closed partially or completely, affecting at least 139,048 students, and more than 35 schools were used for military purposes in 2015. Finally, the Committee noted the low enrolment rate of girls, in particular at the secondary school level, high dropout rates especially in rural areas owing to a lack of security in the journey to and from school, and the increased number of attacks on girls' schools and written threats warning girls to stop going to school by non-state armed groups.

The Committee notes the Government representative's statement at the Conference Committee that many households respond to poverty by taking their children out of school and forcing them into labour. The Government indicates that child labour is not only a law enforcement matter but a fundamental problem which requires a comprehensive understanding and a robust response mechanism. With a view to providing preschool support to children under the age of six, the Ministry of Labour, Social Affairs, Martyrs and Disabled has established over 366 local kindergartens which house over 27,000 children. The Government also indicates it is taking strong action against the exploiters as well as the families who knowingly force their children into prostitution and expects a sharp decline in the practice in the coming years. Finally, the Committee notes the Government's indication that school burnings and the imposition of bans in Taliban-controlled areas prevented girls and children from attending school. ***While acknowledging the difficult situation prevailing in the country, the Committee urges the Government to take the necessary measures to raise awareness among households that education is key in preventing the engagement of children in the worst forms of child labour. Additionally, it once again urges the Government to take the necessary measures to improve the functioning of the education system and to ensure access to free basic education, including by taking measures to increase the school enrolment and completion rates, both at the primary and secondary levels, particularly of girls.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Albania

Minimum Age Convention, 1973 (No. 138) (ratification: 1998)

Previous comment

Article 1 of the Convention. National policy and application of the Convention in practice. Following its previous comments, the Committee notes the Government's statement, in its report, that the Ministry of Health and Social Protection (MoHSP) continues to design policies and programmes for the rights and protection of children, focusing its work on creating an effective system that guarantees the rights of children and ensures their safety against all forms of violence and exploitation. In this regard, the Committee takes note of the information shared by the Government on the measures taken, such as the inclusion of issues for the protection of children from economic exploitation in the National Agenda for Children's Rights 2021–26. For instance, measures are planned for the establishment and deployment of field teams, with the aim of identifying, referring and managing the cases of economically exploited children.

In this regard, the Committee notes, that the United Nations Committee on the Rights of the Child (CRC), in its concluding observations of 2023, welcomed the adoption of various policies and strategy plans for the protection of children. However, it recommended that the Government strengthen the legal and policy framework to protect children from economic exploitation, and address child labour in the agricultural, mining, construction and garment and footwear sectors and in the context of domestic labour and begging (CRC/C/ALB/CO/5-6, paragraphs 6 and 41).

While taking note of some measures taken by the Government, the Committee requests it to intensify its efforts to ensure the progressive elimination of child labour in all economic activities. The Committee requests the Government to provide information on the impact of the National Agenda for Children's Rights 2021–26 in this regard, as well as on any other concrete measures taken and the results achieved. It further requests the Government to provide updated statistical data on the employment and work of children and young persons, disaggregated by age and sex.

Article 2(1). Scope of application and labour inspection. Self-employed children and children working in the informal sector. Following its previous comments, the Committee notes the Government's detailed information on the efforts it continues to make to strengthen the system of the State Labour Inspectorate and Social Services (SLISS), including in relation to child labour, both in the formal and informal sectors. In particular, the Committee takes note of the information on the three digital platforms with which labour inspectors currently work and which are essential in supporting the quality and efficiency of the inspection process (the "E-Inspection" platform; the Penalty Matrix system (MPS); and the Risk Analysis System (RAS)).

The Committee further notes the Government's information regarding the adoption of Instruction No. 41 of 2022 "On the procedures of employment of children after findings". This Instruction aims to assist labour inspectors in assessing, in situations of employment of children and young persons, whether the work performed is prohibited due to long hours, inappropriate terms and conditions, exaggerated risks or the inappropriate nature of the work, based on the legal acts that regulate the employment of this category of workers. The Instruction also provides guidance for inspectors in reviewing applications from employers seeking to employ young persons pursuant to the form on "Authorization for the Employment of Minors".

In addition, the Committee also notes the Government's information on the enhanced institutional cooperation between the SLISS and other law-enforcement authorities and national or international organizations, aimed to strengthen monitoring mechanisms to increase labour inspection activities in the informal economy. This includes cooperation with the General Tax Directorate (GTD) and the National Registering Centre (NRC) that has led to an expanded coverage of workplaces receiving inspection services for the first time, reaching 22.3 per cent of the planned targets, with 32.4 per cent of the violations detected in the informal economy.

The Committee takes note of the statistics shared by the Government regarding the employment of children. From January to December 2022, 171 children were found by labour inspectors to be employed in various sectors, the most important of which being wholesale and retail trade/hotels, bars and restaurants (134 children), followed by manufacturing and enterprise (34 children). Ten breaches of labour laws relating to child employment were recorded, with most concerning various violations of employment conditions requirements, and two more particularly regarding child labour (one child under the age of 18 was found employed in night work, and one child of 14 was found engaged in work prohibited to children under the age of 16). From January to December 2023, 215 children were found in employment (152 in wholesale and retail trade/hotels, bars, restaurants; 52 in manufacturing/enterprises; 11 in other activities). Violations included the employment of minors under 18 in night work, the employment of minors without authorization, and the employment of children under 15 in cultural, artistic, sports or advertising activities without prior authorization. ***The Committee requests the Government to continue to take measures to strengthen the capacity of labour***

inspectors with a view to allowing them to better monitor and identify cases of child labour in both the formal and informal sectors. It requests the Government to provide information on: (i) any measures taken or envisaged to strengthen inspections in sectors of the economy where child labour violations have not yet been detected, such as the agricultural and mining sectors; and (ii) how the SLISS identifies the planned targets which shall receive inspection services. Finally, the Committee requests the Government to continue to provide statistical information on the total number and nature of violations detected by the SLISS in relation to children engaged in child labour, including in the informal economy, as well as on the penalties applied.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

Articles 3(a) and 7(1) of the Convention. Worst forms of child labour and penalties. Sale and trafficking of children. Following its previous comments, the Committee notes the Government's information, in its report, that 55 persons were prosecuted for child abuse in 2023 and 4 persons charged with exploitation of children in 2024. The Committee notes, however, that the Government provides no specific information on the number of prosecutions in cases of child trafficking for labour or sexual exploitation.

The Committee notes that Albania has adopted the 2021–2023 National Action Plan for the Fight against Trafficking in Human Beings (NAP-THB), which aims at coordinating state and non-state actors engaged in the fight against trafficking in persons. The first policy goal of the NAP-THB is to reduce the threat and impact of organized and serious crime, including through combating illegal trafficking. The activities planned in this regard include the training of judicial institutions to specialize in the criminal offences of trafficking in order to proactively investigate cases of trafficking, carry out criminal prosecutions effectively, and train border and migration police and customs officers and asylum staff to increase their capacity to identify victims, especially among children of migrants.

The Committee notes, from a 2023 working document accompanying the European Commission Communication on EU Enlargement Policy-Albania Report, that the Prosecution Office registered 11 new criminal proceedings for trafficking in human beings in 2022, compared with 10 in 2021, and that the number of final convictions of criminal proceedings for human trafficking remains very low, with only seven convictions from two cases in 2022. It is not indicated, however, how many of these proceedings and convictions concerned cases of child trafficking. Moreover, the working document indicates that the implementation of the 2021–2023 National Action Plan on the fight against human trafficking should be supported by adequate funding and better coordination.

The Committee requests the Government to strengthen its efforts to ensure that thorough investigations and robust prosecutions of perpetrators of sale and trafficking of children are carried out. The Committee requests the Government to provide information on the implementation of the measures of the NAP-THB 2021-2023 in this regard, as well as on the results achieved. Finally, it requests the Government to provide information on the number of investigations and prosecutions in child trafficking cases specifically, as well as on the number and nature of convictions and penalties applied.

Article 7, clauses (a) and (c). Preventing the engagement of children in the worst forms of child labour and ensuring their access to free basic education. Children from Roma and Egyptian Communities. Following its previous comments, the Committee takes note, from the Government's report under the Forced Labour Convention, 1930 (No. 29), of the National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptian 2021–2025, which aims to ensure the socio-economic inclusion of the Roma and Egyptian communities, including through access to inclusive education, and to ensure the timely identification and enrolment of Roma and Egyptian children of compulsory education age

The document of the National Action Plan mentions the increased school enrolment and attendance rates among Roma and Egyptian students, noting that in 2019, 4,469 Roma and

9,910 Egyptian children were enrolled in compulsory education, surpassing the target of 4,993. Moreover, the Action Plan outlines the efforts made to reduce school dropouts among Roma and Egyptian students, reports that were 179 dropouts in 2020 and aims to increase the return rate by 35 per cent by 2025. Efforts to that end include forming cross-cutting working groups in 27 municipalities to prevent dropouts and support student returns.

The Committee, however, notes that the United Nations Committee on the Elimination of Racial Discrimination, in its concluding observations of 23 May 2024 (CERD/C/ALB/CO/13-14, paragraph 18) remained concerned about the low attendance rates, low levels of achievement and high rate of school dropout among Roma and Egyptian children, despite the measures taken to prevent discrimination against Roma and Egyptian children in schools and to promote their enrolment in preschool and compulsory education. It also remained concerned about reports of discrimination against and de facto segregation of Roma and Egyptian children in some schools.

While noting the measures taken by the Government, the Committee requests it to pursue its efforts to facilitate access to education and reduce school dropout rates for Roma and Egyptian students and address the issue of discrimination against Roma and Egyptian children in school, including through the effective implementation of the National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptian 2021–2025. The Committee requests Government to continue to provide information on the results achieved, as well as updated statistics on attendance, completion, and drop-out rates at primary and lower secondary levels for Roma and Egyptian children.

Clause (d). Identifying and reaching out to children at special risk. Children living and working in the streets. Following its previous comments, the Committee notes the Government's indication that a cooperation agreement was signed between the Ministries of Education, Sports and Youth, of Interior and of Health and Social Protection, according to which child protection workers cooperate with schools and local educational units every new school year to identify children who have reached the age of compulsory schooling but who have dropped out or are at risk of dropping out of school, including children in street situations. The Government indicates in this regard that, according to the reports of the child protection workers at the State Agency for Children's Rights and Protection, 228 cases of children exploited for work and begging were thus managed in 2021; 229 cases in 2022; 182 cases in 2023; and 124 cases between January and March 2024. In addition, the Committee notes, from the Government's report under the Minimum Age Convention, 1973 (No. 138), that in line with Decision of the Council of Ministers (DCM) No. 129 "On Procedures for the Identification, Immediate Assistance, and Referral of Economically Exploited Children, including Children in Street Situations", field teams have been established to identify, refer, and manage cases of economically exploited children, those in street situations, and child victims of trafficking. In this regard, child protection structures, through child protection workers, have managed 84 cases of children in street situations in 2023, and 55 cases in the first quarter of 2024, for which an individual protection plan was implemented.

Furthermore, the Government indicates that, in 2023, the State Agency for Children's Rights and Protection has requested municipalities' cooperation to take measures for the identification, prevention, and treatment of children in street situations. In this regard, the Municipality of Tirana has established vital structures for the prevention, protection, empowerment, and reintegration of children in street situations and their families and has carried out concrete interventions, including: (1) the establishment of the Department of the Child Protection Unit under the Directorate of Protection and Social Inclusion; (2) the creation of the Field Community Centre, pursuant to Decision No. 66 of 2020 of the Municipal Council of Tirana, aiming to prevent and reduce the number of street children and providing coordination care, social protection services, proactive identification and counselling; and (3) the adoption of the Joint Plan of Measures, from March 2024, between the Municipality of Tirana and the Local Directorate of the Tirana Police "For the prevention and mitigation of the phenomenon of families in a homeless situation in the territory of the Municipality of Tirana", aiming, among other things, to protect children from all forms of abuse and exploitation in the streets, improve inter-institutional

cooperation to prevent street begging, and improve awareness for prevention and effective identification.

The Committee welcomes the measures taken by the Government to protect children living and working in the street from the worst forms of child labour and requests the Government to continue making such efforts. It requests the Government to continue to provide information in this regard and on the number of these children who have benefited from such measures and been removed from the streets, rehabilitated and socially integrated.

The Committee is raising other points in a request addressed directly to the Government.

Algeria

Minimum Age Convention, 1973 (No. 138) (ratification: 1984)

Previous comment

Article 1 of the Convention. National policy and application of the Convention in practice. With reference to its previous comments, the Committee notes the information in the Government's report regarding meetings organized in 2022 by the National Body for the Protection and Promotion of the Rights of the Child (ONPPE). These meetings focused on national priorities in child protection, to be realized under the national childhood workplan 2024–29. A multisectoral committee was established to elaborate the plan, which focuses on strengthening mechanisms for the provision of care and promotion of children's rights. The Government also informs that a national childhood plan 2025–30 is under preparation, which will provide those working in the field of childhood protection and promotion with a framework defining the strategic guidelines to, and national priorities for, childcare.

The Committee also notes the launching by the ONPPE in January 2024 of the "Allo Tofola" App. This App makes it possible to report on any child at risk by sending photos, videos and voice recordings. It also contains advice for families and children. The Government adds that the ONPPE is planning to set up a national observation unit to protect children from exploitation using information and communication technologies, while ensuring their secure use.

However, the Committee notes the absence of information in the Government report on the establishment of a system for the collection of statistical data on the nature, extent and evolution of labour by children under 16 years of age. ***The Committee once again requests the Government to strengthen its efforts to establish such a data collection system and to provide information in this regard. The Committee also requests the Government to provide information on the measures taken to combat child labour under the national childhood workplan 2024–29, as well as on the preparation of the national childhood plan 2025–30 regarding the strategic guidelines to, and national priorities for, childcare.***

Article 2(1). Scope of application and labour inspection. The Committee notes the Government's indication that the labour inspectorate is taking steps to combat child labour, including by: (i) intensifying visits in the private sector to ensure respect of the minimum working age; (ii) developing awareness-raising action during the monitoring visits; (iii) the organization of study days and meetings at regional labour inspection level to address questions on child labour and to examine its different forms and to strengthen prevention and protection measures.

The Government also indicates that the general labour inspection services organize an annual General Survey covering the entire national territory on child labour in the formal and informal sectors, including all sectors of activity. It states that over the past four years the labour inspectorate only recorded a child labour rate of between 0.001 and 0.002 per cent.

The Committee notes the disparity between the data recorded by the 2019 Multiple Indicator Cluster Survey (MICS) and those provided by the Government. According to MICS, 4.2 per cent of

children from 5 to 17 years of age are engaged in child labour, including in hazardous conditions. The Committee recalls that all child labour, including in the informal economy or in less visible situations, must imperatively be taken into account. ***While noting the measures taken by the Government, the Committee again requests it to intensify its efforts to strengthen the capacity of the labour inspectorate in order to detect all cases of child labour, including in the informal economy. It requests the Government to provide information in this regard, and on the number of violations found relating to child labour, including in hazardous conditions, and the penalties imposed.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment: observation

Previous comment: direct request

Articles 3 and 7(1) of the Convention. Worst forms of child labour and sanctions. Clause (a). Sale and trafficking of children. The Committee takes due note of the adoption of Act No. 23-04 of 7 May 2023 on preventing and combating trafficking in persons, which includes provisions for: (i) the automatic public prosecution of criminal offences related to trafficking in persons, including those in which the victims are children; (ii) the obligation for service providers or any other person concerned to transmit any information or relevant data stored via information and communication technologies, subject to sanctions in conformity with the legislation in force; (iii) recourse to electronic surveillance to monitor suspected perpetrators of an offence under the present Act; (iv) the use of geolocation of the victim or the suspected perpetrator or any other element relating to the offence; and (v) allowing the reception of online complaints made in respect of offences under the present Act. The Government indicates that section 41 of the Act provides that, where the victim is a child, the sanction incurred shall be between 10 and 20 years of imprisonment.

However, the Committee notes with ***regret*** that the Government indicates it has received no reports of trafficking of children under 18 years of age since the creation of the National Committee on Preventing and Combatting Trafficking in Persons. ***The Committee requests the Government to reinforce its efforts to detect cases of trafficking in children and to identify the victims, in particular by measures taken to train law enforcement officers, the justice department, the labour inspectorate, the health services, and social workers as regards procedures to identify child victims of trafficking. It again requests the Government to ensure that the perpetrators of these acts are identified and prosecuted, and that sufficiently effective and dissuasive sanctions are imposed. It also requests the Government to provide up-to-date statistics on identified cases of trafficking in children under 18 years of age, the prosecutions brought, the convictions obtained, and the penalties imposed.***

Clause (b). Use, procuring or offering of a child for prostitution. In its previous comments, the Committee requested the Government to continue to provide information on the application of sections 342 and 343 of the Penal Code, specifically as regards cases of persons who use, procure or offer children under 18 years of age for prostitution.

The Committee notes the Government's statements that no offences have been reported and consequently no convictions handed down nor penal sanctions imposed for the procurement of children under 18 years of age for prostitution.

In this connection, the Committee refers to the concern raised by the United Nations Human Rights Council in its universal periodic review of November 2022 (A/HRC/WG.6/41/DZA/2, paragraph 43), that there is a persistence in Algeria of trafficking in persons, in particular persons from sub-Saharan countries, for the purposes of exploitation, domestic labour, begging and prostitution. The Committee reminds the Government that an absence of complaints does not equate to an absence of cases of procurement or offering of a child of under 18 years of age for prostitution.

The Committee notes that the new Act No. 23-04 of 7 May 2023 on preventing and combating trafficking in persons, recognizes the prostitution of others and all other forms of sexual exploitation as

forms of human trafficking. The Act also provides for preventive measures and penal sanctions. ***The Committee requests the Government to reinforce its action, in particular concerning the identification of children under 18 years of age that are victims of prostitution. It again requests the Government to provide information on the application in practice of sections 342 and 343 of the Penal Code, specifically as concerns cases of persons who use, procure or offer children of under 18 years of age for prostitution, including information on the number and nature of the violations reported, the convictions handed down and the penal sanctions applied, disaggregated by age and sex of the victims.***

Clause (c). Use, procuring or offering a child for illicit activities, in particular for the production and trafficking of drugs. In its previous comments, the Committee expressed its concern at the absence of legislative provisions explicitly prohibiting the use, procuring or offering of a child under 18 years of age for the production and trafficking of drugs.

The Committee notes the information provided by the Government, according to which various mechanisms have been put in place to ensure the lightening of sentences applicable to minors under 18 years of age in case of possession, use or trafficking of drugs, including protection and rehabilitation measures. The Government adds that for children over 13 years of age, the judge may give preference to such protection and rehabilitation measures.

The Government further indicates that section 195 *bis* of the Penal Code thus provides for prison sentences of between six months to two years for any person using a child for begging, sentences which are doubled where the perpetrator is a family member of the minor, or any person having authority over the minor.

The Committee is nevertheless obliged once more to express its ***concern*** at the absence of legislative provisions explicitly prohibiting the use, procuring or offering of a child under 18 years of age for the production or trafficking of drugs. ***The Committee once again urges the Government to take immediate measures to ensure that the national legislation prohibits the use, procuring or offering of a child for the production and trafficking of drugs. It also requests the Government to ensure that all children exploited for such purposes be treated as victims and not as criminals and are therefore not punished for their involvement in illicit activities. Finally, the Committee requests the Government to provide information on the measures taken in this regard.***

Article 4(1). Determination of hazardous types of work. Further to its earlier comments, the Committee requested the Government to take, without delay, the necessary measures to finalize and adopt the Bill issuing the Labour Code of October 2015, which includes the prohibition for children under 18 years of age to engage in hazardous work, and the regulatory text fixing the list of the types of hazardous work prohibited for children under 18 years of age.

The Committee notes with ***regret*** the absence of information regarding the adoption of the list regulating hazardous work. Consequently, the Committee again reminds the Government that under the terms of *Article 4(1)* of the Convention, the competent authority, after consultation with the organizations of employers and workers concerned, shall determine the types of hazardous work. ***Recalling that it has been raising this issue for over ten years, the Committee again urges the Government to take, without delay, the necessary measures to finalize and adopt the Bill issuing the Labour Code, in order to determine, following consultation with the employers' and workers' organizations concerned, the types of hazardous work prohibited to children under 18 years of age. It also requests the Government to provide a copy of the Labour Code and the regulatory text fixing the list of the types of hazardous work, once adopted.***

Article 6. Action programmes and sale and trafficking of children. In its previous comment, the Committee requested the Government to provide information on the measures taken within the framework of the 2019-2021 three-year programme to effectively combat trafficking of children. ***Noting the absence of a response in this connection, the Committee urges the Government to provide***

information on the measures taken within the framework of the 2019–21 three-year programme to effectively combat trafficking in children, and on the results achieved.

Article 7(2). Effective and time-bound measures. Clause (b). Providing assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Trafficking of children and child prostitution. The Committee notes the provisions of Act No. 23-04 of 7 May 2023 on preventing and combating trafficking of persons, in particular: (i) the multidisciplinary support of victims, including medical assistance and psychological, social and legal support to facilitate their social reintegration; (ii) the establishment of care centres to lodge victims in conditions guaranteeing their safety. These centres also provide training and education programmes adapted to their specific needs, taking account of their age and gender, with a view to promoting their reintegration in society; (iii) provision of free public health service medical care; and (iv) protection measures for victims and their families. ***The Committee requests the Government to take effective and time-bound measures to implement these provisions to remove child victims of trafficking and prostitution and to ensure their rehabilitation and social integration. In this regard, the Committee again requests the Government to provide information on the number of children below 18 years of age who have been removed from trafficking and prostitution and given appropriate care and assistance.***

The Committee is raising other matters in a request addressed directly to the Government.

Antigua and Barbuda

Minimum Age Convention, 1973 (No. 138) (ratification: 1983)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 3(1) and (2) of the Convention. Minimum age for admission to hazardous work and determination of these types of work. The Committee previously noted the Government's indication that the unions and employers' federation were consulted regarding the activities and occupations which should be prohibited to persons below 18 years of age. It noted that although a recommendation was made, it was not submitted before the National Labour Board, as it was the Government's aim to revamp the occupational health and safety legislation. Thereafter, the Committee noted the Government's statement that the proposed amendments to the provisions of the Labour Code on occupational health and safety have been circulated to Cabinet, but have not yet been adopted. It further noted the Government's indication that technical assistance was sought in relation to new and separate occupational health and safety legislation.

The Committee notes the Government's indication in its report that the National Labour Board is currently reviewing the occupational health and safety legislation. The Government states that it has noted the Committee's comments and that it will act accordingly. The Committee notes with ***regret*** that the list of hazardous types of work prohibited for children under 18 years of age has still not been adopted. The Committee therefore once again reminds the Government that *Article 3(1)* of the Convention provides that the minimum age for admission to any type of employment or work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety, or morals of young persons, shall not be less than 18 years. It also reminds the Government that, under the terms of *Article 3(2)* of the Convention, the types of hazardous employment or work shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned. ***Observing that the Convention was ratified by Antigua and Barbuda more than 30 years ago, the Committee urges the Government to take the necessary measures to ensure that a list of activities and occupations prohibited for persons below 18 years of age is adopted in the near future, in accordance with Article 3(1) and (2) of the Convention. It encourages the Government to pursue its efforts in this regard through amendments to the occupational health and safety legislation, and to provide information on progress***

made. Lastly, it requests that the Government provide a copy of the amendments to the occupational health and safety legislation once adopted.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Barbados

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 3(a) of the Convention. Worst forms of child labour. Sale and trafficking of children. The Committee previously noted the adoption of the Transnational Organized Crime (Prevention and Control) Act in 2011, section 8 of which criminalizes the trafficking of persons for the purposes of labour and sexual exploitation.

The Committee takes due note of the Government's information in its report that the Transnational Organized Crime (Prevention and Control) Act of 2011 was repealed and replaced by the Trafficking in Persons Prevention Act 2016-9, which contains comprehensive provisions addressing the issue of trafficking. According to section 4, the trafficking of children for labour and sexual exploitation is punishable by a fine of 2 million Barbadian dollars (BBD) (about US$990,099), life imprisonment or both. The Committee notes, however, that according to the Government's written replies to the list of issues of the Committee on the Elimination of Discrimination against Women (CEDAW) of 2017, since 2015, no new arrests and charges have been made in relation to trafficking (CEDAW/C/BRB/Q/5-8/Add.1, paragraph 52). In its concluding observations of 2017, the CEDAW expressed its concern that Barbados remains both a source and a destination country for women and girls, including non-nationals, who are subjected to trafficking for purposes of sexual exploitation and forced labour, as a result of high unemployment, increasing levels of poverty and the weak implementation of anti-trafficking legislation. The CEDAW was also concerned about the lack of information on the number of complaints, investigations, prosecutions and convictions related to the trafficking of women and girls (CEDAW/C/BRB/CO/5-8, paragraph 25). The Committee on the Rights of the Child (CRC) similarly expressed its concern at the high level of internal trafficking of children, the lack of information on the situation in general and the lack of effective measures to address and prevent the sale and trafficking of children in its concluding observations of 2017 (CRC/C/BRB/CO/2, paragraph 58). ***The Committee therefore requests the Government to take the necessary measures to ensure the effective implementation of the Trafficking in Persons Prevention Act 2016-9, particularly in relation to the trafficking of children. It also requests the Government to provide information on the application of section 4 of the Act in practice, including the number and nature of offences reported, investigations, prosecutions, convictions and penal sanctions imposed.***

Articles 3(d) and 4(1). Determination of hazardous work. The Committee previously noted that, while section 8(1) of the Employment (Miscellaneous Provisions) Act prohibits the employment of a young person in any work that by its nature or the circumstances in which it is done is likely to cause injury to his/her health, safety or morals, the national legislation does not contain a determination of these types of work, as required under *Article 4(1)* of the Convention. The Government indicated that the formulation of a list of types of hazardous work prohibited to persons under 18 years of age was being considered. The Committee also noted that the Safety and Health at Work Act 2005 entered into force in January 2013 and that draft regulations under the provisions of this were forwarded for comments to the representative employers' and workers' organizations.

The Committee notes the Government's repeated indication that the types of hazardous work prohibited to persons under 18 years of age are addressed in specific pieces of legislation, including the Factories Act, the Pesticide Control Regulations, the Protection of Children Act and the Employment (Miscellaneous Provisions) Act. However, the Committee observes that these provisions together do not constitute a comprehensive determination of the types of hazardous work prohibited for persons under 18 years of age. The Committee also notes the Government's statement that none of the draft regulations under

the Safety and Health at Work Act deal with this issue. Considering that it has been referring to this issue since 2004, the Committee must express its ***deep concern*** at the absence of a comprehensive list of the types of hazardous work prohibited for children. The Committee once again draws the Government's attention to *Article 4(1)* of this Convention, according to which the types of work referred to under *Article 3(d)* must be determined by national laws or regulations or by the competent authority, taking into consideration relevant international standards, in particular Paragraph 3 of the Worst Forms of Child Labour Recommendation, 1999 (No. 190). ***The Committee therefore urges the Government to take the necessary measures to ensure that the determination of types of hazardous work prohibited for persons under the age of 18 is included in national legislation, after consultation with the organizations of employers and workers concerned, and to provide information on any progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Belize

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1 of the Convention. National policy and application of the Convention in practice. The Committee notes with ***interest*** the adoption in 2022 of the Belize National Child Labour Policy and Strategy 2022–2025, which was developed with the technical support of the ILO and in consultation with the social partners and other relevant stakeholders. The Policy has four objectives: (1) to address existing legislative and information gaps, providing necessary legal protection for all children who are engaged or potentially engaged in child labour; (2) to increase compliance with labour laws for the benefit of children; (3) to substantially reduce barriers to school access and ensure continuous school attendance throughout the legal age for every child; (4) to ensure adequate support and economic resilience for children and their families as a way to pre-empt engagement in child labour. Key strategies contemplated in the Policy include, among others, building awareness among children, their families and society about the danger of child labour; strengthening data collection on child labour; identification of working undocumented child migrants; strengthening mechanisms to reduce child labour in the tourism industry; and extending the social protection floor.

The Committee notes from the statistical information contained in the Policy that, as of 2013, the child labour rate was 3.2 per cent (equivalent to 3,528 children). It also notes that the Mennonites were found to have the highest child labour rate at 9.5 per cent, two and a half times as high as any other ethnic group.

The Committee further notes the Government's indication in its report that a Child Labour Secretariat and Inspectorate was established in the Labour Department, which shall focus on child labour inspections, education and awareness-raising programs, and information gathering and reporting. Between 2019 and 2021, a total of 30 training sessions on child labour were conducted for different government entities and stakeholders, including the Banana, Sugar and Citrus industries, the tourism industry, the National Garifuna Council, and the Spanish Lookout (Mennonite) in the Cayo district. ***The Committee requests the Government to provide information on the measures adopted to ensure the progressive elimination of child labour, including among Mennonite children, under its National Child Labour Policy and Strategy 2022-2025, and the results achieved. In this regard, it requests the Government to continue to provide updated statistical information on the nature, extent, and trends of child labour, indicating the sectors of economic activity where child labour is more prevalent. Finally, it requests the Government to provide information on the activities of the Child Labour Secretariat and Inspectorate, including on the number of child labour inspections carried out, the infringements detected, and the penalties applied.***

With regard to the issues raised under Articles 2(1), 3(2), 7 and 9(3), the Committee requests the Government to see the consolidated comments at the end.

Article 2(1) Scope of application. In response to its previous comments concerning the existence of different minimum ages, the Committee takes due note that the Government indicates that the Legislative Review Committee (LRC) that was established to review the national legislation concerning child labour made

recommendations to amend the respective sections of the Shops Act, Chapter 287, and the Labour Act, Chapter 297 to ensure that the minimum age specified applies to all sectors of the employment and not only to industrial undertakings and shops.

Article 3(2). Determination of types of hazardous work. The Committee recalls that the LRC had recommended the insertion into the Labour Act of a hazardous work list.

Article 7. Light work. The Committee recalls that the LRC had recommended to raise the minimum age for light work from 12 to 13 years and adopt a list of types of light work.

Article 9(3) Registers of employment. The Committee recalls that the LRC had recommended deleting section 163 of the Labour Act, which limited the obligation to keep registers of employees under the age of 18 years to public and private industrial undertakings, and to replace it with a general requirement for all employers to prepare and keep one or more registers containing information of each worker available for inspection.

Noting the Government's indication that the review of the legislative proposals made by the LRC and by the Labour Advisory Board was completed, and later forwarded to the Minister of Labour, Local Government and Rural Development for further action, the Committee hopes the proposed amendments will be adopted as soon as possible to ensure that:

(i) the minimum age declared by the Government (14 years) is respected in all type of work undertaken by children, as well as in all sectors of economic activity;

(ii) a list of types of hazardous work is approved, in consultation with the organizations of employers and workers concerned, and incorporated into the labour legislation;

(iii) no child below 12 years of age be authorized to perform light work, and a list of types of light work is adopted;

(iv) all employers keep one or more registers containing information of each worker available for inspection.

It requests the Government to provide information on any progress made in this regard as well as a copy of the new legislation once adopted.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

The Committee notes that the Government's report has not been received despite its urgent appeal in 2019. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report, due since 2014, has not been received. In light of its urgent appeal launched to the Government in 2019, the Committee proceeds with the examination of the application of the Convention on the basis of the information at its disposal.

Article 3 of the Convention. Clause (b). 1. *Use, procuring or offering of a child for prostitution.* In its previous comments, the Committee noted that section 49 of the Criminal Code, Chapter 101 only prohibited the procurement of female children for prostitution and urged the Government to take measures to ensure the adoption of legislation prohibiting the use, procuring or offering of boys and girls under the age of 18 for prostitution.

While reiterating its concern at the absence of a Government report, the Committee takes due note of the adoption of the Commercial Sexual Exploitation of Children (Prohibition) Act, 2013. According to section 6(1) of the Act, a person having the authority or control over a child (defined by section 2 of the Act as a person below the age of 18), who takes advantage of his authority or control over that child or causes another person to sexually exploit that child, commits an offence and is liable on conviction on indictment to imprisonment for a term of ten years.

2. *Use, procuring or offering of a child for the production of pornography or for pornographic performances.* The Committee previously noted the absence of provisions in the Criminal Code establishing offences related to the involvement of a child for the production of child pornography and it urged the Government to take the necessary measures to ensure the adoption of specific provisions in this regard. While reiterating its concern at the absence of a Government report, the Committee takes due note that,

pursuant to section 7(2) of the Commercial Sexual Exploitation of Children (Prohibition) Act, 2013, a person who coerces, induces, encourages, pays for, or exchanges any material benefit for, or otherwise causes any child to pose for any photographic material or to participate in any pornographic video or film or audio, visual or other electronic representation of any child involved in any form of child pornography commits an offence and is liable on conviction on indictment to imprisonment for a term of ten years.

The Committee welcomes the Government's efforts to prohibit child prostitution and child pornography, and requests the Government to provide information on the application in practice of sections 6(1), and 7(2) of the Commercial Sexual Exploitation of Children (Prohibition) Act, 2013, including information on the number and nature of violations reported, investigations, prosecutions, convictions and penalties imposed on the offenders.

The Committee is raising other points in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Burkina Faso

Minimum Age Convention, 1973 (No. 138) (ratification: 1999)

Previous comment

Article 1 of the Convention. National policy and application of the Convention in practice. The Committee takes due note of the publication of the "National Survey of child labour in Burkina Faso (ENTE) 2022", conducted with support from the ILO and the United Nations Children's Fund (UNICEF), a copy of which is attached to the Government's report. According to ENTE data, 33.1 per cent of children between 5 and 12 years of age (37.8 per cent of girls and 28.7 per cent of boys), 29.8 per cent of children between 13 and 15 years of age (32.1 per cent of girls and 27.4 per cent of boys), and 29.1 per cent of children aged 16 or 17 years (31.4 per cent of girls and 26.5 per cent of boys) are victims of child labour. The Committee also notes that, according to the ENTE, child labour occurs more frequently in rural than in urban areas (four out of ten children in rural areas and two out of ten children in urban areas). Over half of these children work in agriculture and 48.6 per cent are in the services sector. In this regard, the ENTE report estimates that in 2022 a total of 1,355,888 children were engaged in hazardous work, accounting for 18.6 per cent of all children between 5 and 17 years of age.

Moreover, the Committee notes the Government's indications that the "National Strategy to combat the worst forms of child labour (SN-PFTE) 2019–23" came to an end in December 2023 and that the strategy is being evaluated with a view to establishing a new reference framework.

While noting the measures taken by the Government and mindful of the difficult situation prevailing in the country, the Committee is bound to express its ***concern*** at the number of children subjected to child labour, including hazardous work, in the country. ***The Committee requests the Government to step up its efforts to remedy the situation of children engaging in child labour, and to ensure the progressive elimination of child labour in all economic activities, particularly in agriculture and services. The Committee also requests the Government to provide information on the results of the evaluation of the SN-PFTE 2019–23 and on the measures taken in this respect, particularly with a view to establishing a new reference framework for the SN-PFTE.***

Article 3(2) and Article 9(1). Hazardous work and penalties. In its previous comments, the Committee asked the Government to take the necessary steps to ensure the effective implementation and application of Decree No. 2016-504/PRES/PM/MFPTPS/MS/MFSNF of 9 June 2016 (Decree No. 2016-504), relating to persons employing children under 18 years of age in hazardous work, and to ensure that appropriate penalties are imposed.

However, the Committee notes with ***regret*** the Government's indication that the necessary measures to enable the competent services to ensure the effective application of the above-mentioned

Decree, particularly as regards convictions handed down and penalties imposed for these violations, have not yet been adopted. ***The Committee therefore urges the Government to take the necessary time-bound measures to ensure the effective implementation and application of Decree No. 2016-504 against persons who employ children under 18 years of age in hazardous work, as well as the imposition of appropriate penalties. The Committee once again requests the Government to provide information on the measures taken in this regard and on the number of convictions handed down and penalties imposed for these violations.***

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

Article 3(a) and 7(1) of the Convention. Worst forms of child labour and sanctions. Sale and trafficking of children. Further to its previous comments, the Committee takes due note of the Government's indication, in its report, that, as part of capacity-building for entities responsible for applying the law with regard to the trafficking of children, the "Koglkamba" monitoring application for use by labour inspectors has been set up with ILO support. A total of 72 labour controllers and inspectors have been trained in the use of the application and the data that it produces can also be used by officials in the justice system and persons responsible for providing care for children who are victims. In addition, 79 social workers and 18 members of child protection networks (including six members of regional child protection units and two judges) have received training with regard to the issue of trafficking of children. The Government also indicates that a module relating to trafficking in persons has been incorporated into the academic programme for legal trainees at the National School of Administration and Judiciary.

The Committee also takes due note of the Government's indication that in 2021 and 2022 a total of 63 persons were convicted of the crime of trafficking in persons and were given prison sentences ranging from six months to five years.

However, the Committee notes the information contained in the "National plan of action against trafficking in persons in Burkina Faso 2023–25" (PAN-TP 2023–25), attached to the Government's report, that the number of victims presumed to have been identified is far greater than the number of investigations. The Government indicates that factors limiting action against trafficking in persons include the collection of data, the lack of human, financial and material resources, the inadequacy of care structures for victims, and insufficient regional and international cooperation. ***The Committee requests the Government to intensify its efforts to ensure thorough investigations and prosecutions of the perpetrators of offences related to the sale and trafficking of children and to ensure that penalties constituting an adequate deterrent are imposed on them. The Committee also requests the Government to continue providing detailed information on the application of the provisions relating to this worst form of child labour, including statistics on the number and nature of convictions and criminal penalties imposed.***

Article 6. Plan of action and application of the Convention in practice. Sale, trafficking and sexual exploitation of children. The Committee notes the publication of the PAN-TP 2023–25, which has five components: the institutional framework; prevention; victim support and protection; the crackdown and prosecution of traffickers; and boosting collaboration in action against trafficking in persons, with the aim of improving coordination at the national and international level. ***While noting the measures taken by the Government, the Committee requests the Government to provide information on the steps taken and the results achieved, in the context of the PAN-TP 2023–25, to prevent the trafficking of children, and to ensure that child victims of trafficking benefit from the appropriate rehabilitation and integration services.***

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. Further to its previous comments, the

Committee notes the adoption of the "Emergency national strategy for education 2019–24", which aims to ensure that teaching and learning activities take place in a healthy and protected environment for all children, particularly those in areas at risk and affected by crises.

The Committee also notes the indications of the "National strategy to combat the worst forms of child labour 2019–23" (SN-PFTE)" that 387,778 children have received support in the form of school scholarships, school kits and food parcels. A total of 978 children between 9 and 13 years of age have been removed from child labour and reintegrated in the formal education system under the "Fast-track/bridge education strategy (SSA/P)". The Committee further notes that in the 2022–23 school year a total of 7,815 children, including 3,806 girls, from vulnerable families received school assistance. Among these children, 5,000 also received school scholarships, and 345 children, including 211 girls, were enrolled in vocational training.

However, the Committee notes the information published on the UNICEF website indicating that, at the start of the 2023–24 school year, a total of 6,149 schools (at least one in four schools) remained closed because of violence and insecurity in certain regions of the country. In this regard, UNICEF estimates that 1 million children do not go to school and are exposed to numerous threats. ***While noting the difficult situation prevailing in the country and the measures taken by the Government, the Committee requests the Government to continue its efforts to improve the functioning of the education system in the country by improving the quality of teaching and access to basic education for all children, particularly those affected by the security and health crisis in the country. In this regard, the Committee requests the Government to continue providing information on the specific steps taken under the SN-PFTE, SSA/P and the "Emergency national strategy for education". It also requests the Government to provide information on the results achieved, particularly with regard to increasing school enrolment and completion rates.***

Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour; providing direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Sale and trafficking of children. The Committee notes the Government's indication that training has been conducted on various subjects, including the handling of trafficking cases and use of the "Child protection information management system (CPIMS+)", supervision of children and professional assistance for them, and psychosocial care for child victims of violence, trafficking and situations of mobility, among others.

The Government mentions with regard to the provision of care for child victims of trafficking and the worst forms of child labour that: (1) a total of 1,759 children without families have been cared for in centres for children in distress and in host families; (2) 809 children and young persons in difficulty have received psychosocial and educational support in boarding schools; (3) 21,073 child victims of violence and abuse have been provided with care; (4) 972 children in situations of mobility or at risk have received scholarships for vocational training; and (5) 6,732 children have been sensitized about child protection, including in emergency situations. Furthermore, awareness-raising sessions have been held on trafficking, mobility and the worst forms of child labour, and coordination meetings have been held involving child protection working groups. In addition, 104 situations reported via the 116 helpline have resulted in action to protect the children concerned. ***The Committee requests the Government to pursue its efforts to prevent children under 18 years of age from becoming victims of trafficking for economic or sexual exploitation and to remove child victims from sale and trafficking and ensure their rehabilitation and social integration. The Committee also requests the Government to continue providing detailed information on the measures taken in this regard and on the results achieved.***

Children working in small-scale gold mines and quarries. Further to its previous comments, the Committee notes the information in the PAN-TP 2023–25 that awareness-raising campaigns are planned on trafficking in persons in Burkina Faso, targeting persons engaged in certain sectors of production such as gold mining. Furthermore, inspections followed by the issuing of compliance orders,

observations and violation reports in certain sectors including gold mining sites are envisaged under the prevention component of the Plan.

The Committee also notes the Government's information that 413 members of community child protection units have received capacity-building with regard to networking, the issue of child mobility, and child labour on gold mining sites.

The Committee further notes the indication in the second periodic report submitted by Burkina Faso under article 40 of the International Covenant on Civil and Political Rights, published in 2024 (CCPR/C/BFA/2, paragraph 167), that 612 children were removed from gold mining sites and returned to their families.

However, the Committee observes that, according to the information contained in the PAN-TP 2023–25, criminals are transporting children, including children without any fixed abode or in situations of mobility, to Côte d'Ivoire, Mali, Senegal and Niger in order to exploit them in activities including small-scale mining.

Furthermore, the Government indicates that girls in the city of Ouagadougou and on gold mining sites are subjected to sexual exploitation and are transported from communities in Burkina Faso and from neighbouring countries such as Nigeria. The Government also refers to estimates by an international organization that some 200,000 to 300,000 children work on small-scale mining sites. ***The Committee requests the Government to continue taking steps to remove children from work in gold mines and mining sites and to ensure that they are rehabilitated and integrated socially. The Committee requests the Government to provide information on measures taken under the PAN-TP 2023–25 and on progress made and results achieved in this regard.***

Article 8. International cooperation and assistance. Regional cooperation regarding the sale and trafficking of children. Further to its previous comments, the Committee notes the Government's indication that a total of 26 children received assistance and were repatriated to their countries of origin in 2021, in the context of the implementation of cooperation agreements between Burkina Faso and Côte d'Ivoire, and between Burkina Faso, Togo and Benin.

The Committee also notes from the PAN-TP 2023–25 that, according to the 2019 national report on trafficking in persons, among the 4,684 persons in situations of mobility a total of 2,023 presumed trafficking victims, comprising 1,941 nationals of Burkina Faso and 362 nationals of Côte d'Ivoire, Togo, Nigeria and Benin, were rescued by the defence and security forces. There were more boys than girls among the victims and the 14–18 age group was the most exploited, with 1,097 victims (704 boys and 393 girls). In this respect, 2,131 children were subjected to economic exploitation and 172 to sexual exploitation. ***While noting the measures taken by the Government and recalling the scale of cross-border trafficking in the country, the Committee once again requests the Government to provide information on the implementation of the cooperation agreement with Togo and Benin, and also on the agreement with Côte d'Ivoire, and on the funds allocated to these agreements. The Committee requests the Government to continue providing information on the results achieved in terms of interception of child victims of sale and trafficking and on their rehabilitation, social reintegration and repatriation.***

The Committee is raising other matters in a request addressed directly to the Government.

Burundi

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

The Committee takes note of the observations of the Trade Union Confederation of Burundi (COSYBU), received on 27 August 2024. ***It requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the Trade Union Confederation of Burundi (COSYBU), received on 28 August 2021.

Article 1 of the Convention. National policy and application of the Convention in practice. The Committee previously noted the National Plan of Action (NPA) for the elimination of the worst forms of child labour 2010–2015, one of the goals of which is to contribute to the elimination of child labour, in all its forms, by 2025. The Committee requested the Government to provide information on the results achieved under the NPA 2010–2015 to ensure the progressive elimination of child labour and on any new national policy formulated in this respect.

The Government indicates in its report that the NPA 2010–2015 enabled awareness-raising among children, parents and professionals on child protection under the Convention. The Government specifies that a national policy to combat child labour and a corresponding action plan will soon be formulated. The Committee notes that, according to UNICEF statistical data, 30.92 per cent of children were engaged in child labour in 2017 in Burundi (32.16 per cent of girls and 29.66 per cent of boys). ***The Committee requests the Government to intensify its efforts to ensure the progressive elimination of child labour in the country, particularly through the adoption of a national policy on the matter, in accordance with Article 1 of the Convention. It requests the Government to communicate information on the specific measures taken in this respect as well as on the results achieved.***

Article 2(1). Scope of application. In its previous comments, the Committee noted that sections 3 and 14 of the Labour Code prohibit work by young persons under 16 years of age in public and private enterprises where such work is carried out on behalf of and under the supervision of an employer. It noted the Government's indication that the question of extending the application of the Convention to the informal economy, where there is evidence of child labour, would be taken into account during the revision of the Labour Code. The Committee further noted the survey on domestic labour, especially child domestic labour, in Burundi carried out in 2013-14, according to which 5.3 per cent of children in the 7–12 age group and over 40 per cent of children in the 13–15 age group are domestic workers. The Committee therefore requested the Government to take the necessary steps to extend the scope of application of the Convention to work done outside a formal employment relationship, particularly in the informal economy and in agriculture.

The Government indicates in its report that child labour in the informal sector has been taken into account in the revision of the Labour Code. The Committee notes the observations of COSYBU that the revised Labour Code, promulgated on 24 November 2020 (Act No. 1/11), has enabled progress to be made in extending the scope of application of the Convention to work done outside a formal employment relationship. The Committee notes in this regard that under Article 2 of the 2020 Labour Code, relations between domestic workers and employers and the informal sector are governed by this Code, to the extent permitted by specific laws applicable to them. The minimum age of admission to employment, set at 16 years, applies to family agricultural, breeding, commercial or industrial activities. Section 3 of the Code specifies that relations between employers and workers, and working conditions in strictly informal sectors are determined by a special law.

The Committee notes that according to UNICEF's 2020 annual report in Burundi, the majority of young people in work occupy jobs in the informal sector, as the economy is heavily dependent on agriculture. The Committee notes with ***interest*** the adoption of the revised Labour Code of 2020, which extends the scope of application of the Convention to the informal economy. ***The Committee encourages the Government to pursue its efforts and requests it to indicate any measures taken or envisaged to ensure in practice the application of the minimum age of admission to employment of 16 years in the informal economy. It also requests the Government to communicate a copy of the Act governing work in the informal economy.***

Article 2(3). Age of completion of compulsory schooling. The Committee previously noted Act No. 1/19 of 10 September 2013 establishing the structure of primary and secondary education, which had strengthened core education by increasing it from six to nine years of schooling, starting at the age of 6 years. Hence, a child who starts school at six years of age completes compulsory schooling at the age of 15 years. It noted that COSYBU, in its observations, asked the Government to fix the minimum age for the completion of compulsory schooling. The Committee requested the Government to take the necessary steps without delay to ensure that schooling is compulsory up to the minimum age of admission to employment, namely

16 years, so that the age of completion of compulsory schooling coincides with the minimum age of access to employment or work.

The Committee notes the absence of new information from the Government on this point. ***The Committee urges the Government to take the necessary measures so that, in accordance with Article 2(3) of the Convention, schooling up to the minimum age of admission to employment, namely 16 years, is compulsory. It requests the Government to provide information on progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2002)

The Committee takes note of the observations of the Trade Union Confederation of Burundi (COSYBU), received on 27 August 2024. ***It requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 3(a) and 7(1) of the Convention. Worst forms of child labour and penalties. Sale and trafficking of children. In its previous comments, the Committee noted that Act No. 1/28 of 29 October 2014 concerning the prevention and suppression of trafficking in persons and the protection of victims (Anti-Trafficking Act) established penalties of 15–20 years' imprisonment for persons found guilty of trafficking in children. It noted the Government's information that women and children were victims of trafficking in 2017 to Oman, Saudi Arabia and Kuwait, for economic and sexual exploitation. The Government had pointed out that some cases of trafficking escaped the control of the law. The Committee noted the increase in the number of cases of trafficking in persons, including girls, for purposes of domestic servitude and sexual slavery. The Committee therefore requested the Government to intensify its efforts to ensure the thorough investigation and effective prosecution of individuals who engaged in the sale and trafficking of children and to ensure that penalties constituting an effective deterrent were applied in practice.

The Government indicates in its report that a mechanism for the identification, repatriation and reintegration of victims of trafficking and for the search and prosecution of perpetrators is being implemented. It further indicates that, according to the National Observatory to Combat Transnational Crime, in 2018, 24 underage girls who were victims of trafficking to Gulf countries were identified. The Government reiterates the indication that some perpetrators of trafficking escaped the control of the law. It also refers to several sections of the revised 2017 Criminal Code (Act No. 1/27). Section 246, which reproduces the definition of trafficking in the Anti-Trafficking Act, provides that trafficking in persons, including children, is punishable with a prison sentence of five to ten years and a fine. Section 245 provides for a prison sentence of up to 20 years for any person who brings in or takes out of the country a child under 18 years of age with the intention of violating the child's freedom, including for the purpose of sexual or domestic exploitation. In addition, the Committee notes that section 255 of the Criminal Code provides that the offence of trafficking in persons is punishable by a prison sentence of 15–20 years and a fine where it is committed against a child.

The Committee also notes that, according to the website of the Independent National Human Rights Commission (CNIDH), the Commission is responsible for the reception and handling of complaints from victims of trafficking in persons. In its 2020 annual report, the CNIDH indicates that in 2020 only one case was referred to it concerning allegations of trafficking of a girl. The CNIDH also indicates that it was informed of networks of trafficking in persons to other countries, and that it envisaged leading in-depth investigations with the cooperation of the competent services. In addition, the Committee notes that a programme to combat trafficking in Burundi has been developed by the Government, in partnership with the International Organization for Migration, for 2019–22, to strengthen the Government's capacity to combat trafficking in persons. ***The Committee requests the Government to intensify its efforts, including by strengthening the capacities of the law enforcement bodies, to ensure that all persons who commit acts of trafficking in children are subject to investigation and prosecution, and that sanctions constituting effective deterrents are imposed. It requests the Government to provide information on the number of investigations conducted by the CNIDH and the competent services concerning trafficking in children under 18 years and on the***

number of proceedings brought. It also requests it to indicate the penalties imposed on the perpetrators of trafficking in children, the facts that formed the basis of the convictions and the provisions under which the sanctions were imposed.

Article 7(2). Effective and time-bound measures. Clause (a). Prevention of the engagement of children in the worst forms of child labour. Access to free basic education. In its previous comments, the Committee noted the adoption of a Sectoral plan for the development of education and training 2012–20. It noted the Government's indications that measures had been taken to improve access to education, including a policy of free schooling, the setting up of schools and school canteens, the abolition of official school fees in primary education and for the poorest pupils of secondary school fees, and the distribution of school kits in some provinces. The Committee also noted information from UNESCO and the Committee on the Elimination of Discrimination against Women (CEDAW) according to which the drop-out rate for girls at secondary level is extremely high. The Committee requested the Government to continue its efforts to improve access to, and the functioning of, the education system in the country, including by increasing the rate of enrolment and the rate of completion in secondary education for girls.

The Government refers to several measures taken to improve access to education, including: (i) the ongoing "Back to School" and "Zero Pregnancies" campaigns; (ii) the establishment of a national school canteens policy; (iii) the establishment of a system for the reintegration of girls who have dropped out of school; and (iv) the launch of the "aunt/school and father/school" project in all schools in Burundi. The Committee highlights, in its observation formulated under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted in 2020, that the "aunt/school and father/school" project was developed to combat school drop-outs and unwanted pregnancies. The Committee notes the Transitional Plan for Education in Burundi 2018–20, the priority pillars of which include access for and retention of children in basic education and improvement of the quality of education.

The Committee notes, however, that according to the 2020 annual report of the CNIDH, although basic education was free, *Batwa* (indigenous community) households and poor families had difficulty keeping their children in school and children dropped out very early. The Committee also notes the information of the UNICEF Burundi office, in its 2020 annual report, according to which the percentage of children completing basic education has decreased, falling from 62 per cent in 2017/2018 to 53.5 per cent in 2018/2019, mainly owing to disparities in quality education in the country. One in five girls and one in four boys completes secondary education, and one in five women aged 15 to 24 is illiterate. UNICEF reports that 30 percent of adolescents are not in school, 95 percent of whom are girls. In addition, according to UNICEF information, school enrolment of children aged 6–11 has increased sharply in recent years but has declined significantly for children aged 12–14 (63.7 per cent of children aged 12–14 were enrolled in school in 2018), particularly due to household poverty, early pregnancy, school violence, including cases of sexual abuse by teachers, and low-quality education. While noting the measures taken by the Government, the Committee notes with ***concern*** the decline in the rate of completion for children in basic education and the low enrolment rates in junior secondary schools. ***Recalling that education plays a key role in preventing children from being engaged in the worst forms of child labour, the Committee requests the Government to intensify its efforts to improve the functioning of the education system in the country, through measures aimed, in particular, at increasing the school enrolment rate and reducing the school dropout rate in primary and secondary education, including for girls and the Batwa community. It requests the Government to continue to provide information on the measures taken or envisaged in this respect, as well as on results achieved.***

Clause (d). Children at special risk. Street children. In its previous comments, the Committee noted the Government's indications that parties involved in child protection cooperated to promote the socio-economic reintegration of street children. It noted that several centres for the rehabilitation of children were opened in Ruyigi and Rumonge, and in Ngozi, particularly for girls. It noted, however, that these rehabilitation centres were presented as prisons for children, and noted the arrest and detention of minors working or living in the streets. The Committee requested the Government to take specific measures to adequately protect children living in the streets against exploitation and to ensure their rehabilitation and social integration.

The Government indicates that the child protection committees, established at the hill-settlement, communal and provincial levels, coordinate with the police unit for the protection of minors and morals to repatriate street children. The Committee also notes the Government's indication, in its report to CEDAW of 26 August 2019, that part of the mission of the homes managed by Humanitarian Work for the Protection

and Development of Children in Difficulty is to reintegrate street children (CEDAW/C/BDI/CO/5-6/Add.1, paragraph 15). The Committee notes that, according to information from UNICEF, the number of street children is rising, and that some of them are arrested by the authorities. In addition, the Committee notes that section 527 of the 2017 revised Criminal Code (Act No. 1/127) provides for a prison sentence of five to ten years and a fine in the case of exploitation of minors for begging. ***Recalling that street children are particularly exposed to the worst forms of child labour, the Committee requests the Government to step up its efforts to protect these children from the worst forms of child labour, and not to treat them like criminals, so as to ensure their rehabilitation and social integration. It requests the Government to provide information in this regard, including on the number of children identified as living or working in the streets and the support measures provided to them.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Cameroon

Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) (ratification: 1970)

Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78) (ratification: 1970)

Previous comment on Convention No. 77

Previous comment on Convention No. 78

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on medical examination of young persons, the Committee considers it appropriate to examine Conventions Nos 77 and 78 together.

Article 1 of Convention No. 78. Scope of application. Children and young persons working on their own account. In its previous comments, the Committee noted: (1) the absence of provisions in the national legislation ensuring the application of the Convention to young persons working on their own account, as opposed to salaried young persons and apprentices who are covered by the provisions of Order No. 17 of 27 May 1969 and the Labour Code; and (2) the Government's indication that the Labour Code, which is under revision, would include a new definition of "worker", so that workers in the formal and informal sectors would benefit from the same protection.

The Committee notes the Government's indication, in its report, that consultations between the Government and the social partners are ongoing with a view to updating the new draft Labour Code, and that a copy of the Code would be communicated to the Committee following its adoption. The Committee recalls that: (1) young persons who work on their own account are covered by *Article 1(1)* of the Convention; and (2) it has been raising the need to take the necessary measures to bring the legislation into conformity with the Convention since the Government's first report in 1973. Consequently, it notes with ***regret*** that there is no progress in this regard. ***The Committee therefore urges the Government to take the necessary measures to: (i) ensure that the draft Labour Code contains provisions allowing children and young persons working on their own account to be covered by the Convention, in particular that they undergo the medical examinations provided by the Convention; and (ii) adopt the revised Labour Code as soon as possible. It requests the Government to provide information on progress made in the revision and to communicate a copy of the new Labour Code, once adopted.***

Application in practice of Conventions Nos 77 and 78. The Committee notes the Government's indications that: (1) medical examinations concern all workers on recruitment, and that there are no statistics on the precise numbers of young persons that undergo the medical examinations provided

under the Conventions; (2) there have been no complaints or inspection reports related to the application of the Conventions; and (3) the application of the Conventions has not given rise to any disputes. ***With regard to its earlier comments concerning the extension of the intervention of labour inspectors and the points mentioned above, the Committee refers to its comments in respect of the Minimum Age Convention, 1973 (No. 138).***

[The Government is asked to reply in full to the present comments in 2027.]

Minimum Age Convention, 1973 (No. 138) (ratification: 2001)

Previous comment

Article 1 of the Convention. National policy and application of the Convention in practice. The Committee notes, from the Government's report, that in the context of the implementation of the National Plan of Action for the Elimination of the Worst Forms of Child Labour (PANETEC), the Government refers to: (1) a campaign to make the legal instruments promoting and protecting children's rights widely available to 3,700,000 people throughout the country; (2) awareness-raising activities for 30 communities on child labour by district delegates and heads of agricultural stations, more specifically in the locality of Mvangan, in the departments of Méfou-et-Afamba and Lekié. The Committee recalls that it previously noted that a large number of children were engaged in some form of economic activity, including under hazardous conditions, particularly in the informal sector. ***The Committee therefore requests the Government to redouble its efforts to ensure the effective elimination of child labour, including in hazardous work, including by continuing to take measures to implement the PANETEC. In this regard, the Committee requests the Government to provide more detailed information on the activities undertaken and results obtained, including on the impact of the measures taken on the elimination of child labour. Lastly, the Committee requests the Government to provide updated statistical data on the nature, extent and trends of child labour.***

Article 2(1). Scope of application and labour inspection. Children working in the informal economy. The Committee noted previously that: (1) children are essentially engaged in activities in the informal economy; (2) the Labour Code, which was undergoing revision, would include a new definition of "worker" so that workers in the formal and informal economy would be afforded the same protections; (3) the resources allocated to the labour inspectorate were insufficient to conduct effective investigations and the labour inspectorate did not carry out inspections in the informal economy; and (4) the reinforcement of the means of action of labour inspectors and the widening of the scope of their intervention was a priority for action under the PANETEC.

The Committee notes the Government's indication that a Child Labour Observation and Monitoring System in Cameroon (SOSTECAM) has been established, with the aim of identifying children involved in child labour, removing them and referring them to rehabilitation services. This system should also enable communities (village heads, community leaders, teachers or spiritual guides) to regularly observe and monitor child labour and report these practices to local Ministry of Labour and Social Security (MINTSS) officials.

The Committee also notes the Government's indication that there have been no court decisions concerning the application of the Convention. Considering the large number of children engaged in child labour, particularly in the informal economy, the Committee notes with ***regret*** the absence of court decisions and the absence of information on cases detected by the labour inspectorate. ***The Committee therefore once again urges the Government to take the necessary measures, within the framework of the PANETEC or otherwise, to reinforce the capacities of the labour inspectorate and widen the scope of its intervention to fully and adequately address participation in informal economic activity by children. In this regard, it requests the Government to provide detailed information on: (i) the number of violations detected, in both the formal and the informal economy, and extracts from the inspection reports; (ii) the results achieved by the SOSTECAM in identifying children involved in child labour,***

removing them and referring them to rehabilitation services; and (iii) progress on the revision of the Labour Code, in particular so that children working in the informal economy enjoy the protection provided by the Convention.

Article 2(3). Age of completion of compulsory schooling. The Committee notes with ***regret*** that the Government does not provide information on the measures taken or envisaged to raise the age of completion of compulsory schooling (12 years, pursuant to Act No. 98/004 of 14 April 1998 governing education in Cameroon) to coincide with the minimum age for admission to work or employment (14 years according to the Labour Code). It recalls once again: (1) that if compulsory schooling comes to an end before children are legally authorized to work, there may arise a vacuum which regrettably opens the door for the economic exploitation of children (see the 2012 General Survey on the fundamental Conventions, paragraph 371); and (2) that it is therefore desirable to raise the age of completion of compulsory schooling to coincide with the minimum age for admission to employment. ***Recalling that compulsory education is one of the most effective means of combating child labour, the Committee once again urges the Government to take the necessary measures to make education compulsory up to the minimum age for admission to employment, namely, 14 years. It requests the Government to provide information on progress achieved in this regard.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2002)

Previous comment

Articles 3(a), 7(1) and (2)(b) of the Convention. Worst forms of child labour. Effective and time-bound measures. Direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation. Sale and trafficking of children. The Committee notes the Government's information, in its report, concerning the measures adopted to combat trafficking in children, including: (1) the adoption of Order No. 009/CAB/PM of 10 February 2023 concerning the establishment, organization and functioning of the platform for exchange and consultation between the Cameroonian Government and civil society on combating trafficking in persons and migrant smuggling; (2) in 2024, with support from development partners, the Government organized poster campaigns at Yaoundé and Douala airports to prevent and combat human trafficking, including children; and (3) 23 social welfare services (SASO) and 8 social centres for vulnerable children have been created, and others have been refurbished and had their capacities upgraded, making it possible to provide psychosocial care for 4,805 girls and 4,040 boys who are victims of trafficking.

The Committee notes the Government's indication that in the second quarter of 2023, 56 cases of child trafficking were detected in the East and South regions, involving 29 boys and 27 girls. It notes, however, that the Government does not indicate whether these cases resulted in investigations and criminal proceedings against the perpetrators. The Committee also notes with ***regret*** that the Government does not reply to its previous concerns relating to the low number of investigations and prosecutions in this regard. ***The Committee therefore once again requests the Government to redouble its efforts, including by reinforcing the capacities of law enforcement bodies, to ensure that all persons who engage in the trafficking of children are investigated and prosecuted, and that sufficiently dissuasive penalties are imposed on them. In this regard, the Committee reiterates its request to the Government to provide information on the number of investigations conducted by the competent services in relation to the trafficking of children and the number of prosecutions initiated, as well as on the penalties imposed on persons convicted of trafficking in children and the facts that led to the convictions.***

Forced or compulsory recruitment of children for use in armed conflict, and penalties. The Committee notes, from the Report of the Secretary-General of the United Nations (UN) on children and armed conflict (A/78/842-S/2024/384, 3 June 2024, paragraphs 245, 246 and 254), that: (1) the Secretary-General welcomed the development by the Government, with UN support, of a handover protocol for children

associated with armed groups to civilian child protection actors and urged its swift adoption; (2) the United Nations verified the recruitment and use of three boys by unidentified perpetrators; (3) a total of 29 children were detained by national authorities for their alleged association with armed groups and on national security grounds; and (4) in December 2023, 14 children remained in detention.

The Committee also notes that, according to the Government's report to the UN Committee on the Rights of the Child (CRC), the National Committee on Disarmament, Demobilization and Reintegration (CNDDR) was established by Decree No. 2018/719 of 30 November 2018 with a mandate that includes the demobilization and reintegration of children recruited by terrorist and irredentist groups. The CNDDR has three reception centres located at Bamenda (North-West region), Buea (South-West region) and Mora (Far North region), which housed a total of 535 children on 31 December 2021 (CRC/C/CMR/6-7, 26 September 2023, paragraph 192). The Committee notes with ***deep concern*** the information that armed groups are using and recruiting children for use in armed conflict. ***The Committee urges the Government to continue to take the necessary measures to ensure the full and immediate demobilization of all children and to end the forced recruitment of children, including by: (i) ensuring that robust investigations are conducted and prosecutions brought against all those who forcibly recruit children for use in armed conflict, so that sufficiently dissuasive penalties are imposed; and (ii) providing comprehensive care for all child victims of forced recruitment by armed groups, ensuring that they are treated as victims and not as criminals. In this regard, the Committee requests the Government to provide information on: (i) the investigations and prosecutions undertaken and penalties applied to those responsible for the recruitment and use of children under the age of 18 years in armed conflict; and (ii) the number of child victims who have benefited from CNDDR services for their rehabilitation.***

Clause (c). Use, procuring or offering of a child for illicit activities. The Committee notes with ***concern*** that the Government still does not provide any information on the applicable legal provisions prohibiting the use, procuring or offering of children for illicit activities. ***The Committee therefore urges the Government to take the necessary measures to ensure that the use, procuring or offering of a child under the age of 18 years for illicit activities are prohibited by Cameroonian law without delay and to provide information on the measures taken in this regard.***

Article 4(3). Periodic review and revision of the list of hazardous types of work. In its previous comments, the Committee noted: (1) that Order No. 17 of 27 May 1969 concerning child labour (Order No. 17) does not prohibit work under water or work at dangerous heights, as in the case of children employed in fishing or banana harvesting; (2) that the Conference Committee urged the Government to urgently revise the list of hazardous work in order to prevent the engagement of children under 18 years of age in hazardous activities, including work under water and at dangerous heights; and (3) the Government's indication that the revision of the list of hazardous work was due to take place in 2018 and would be undertaken in conjunction with the social partners.

The Committee notes the Government's indication that new and broader consultations with the social partners were entered into with a view to refining and finalizing the draft revised list of hazardous work. The Committee recalls that it has referred to this point for many years and notes with ***regret*** the lack of progress in this regard. ***It therefore urges the Government to take the necessary measures without delay: (i) to ensure the adoption of the revised list of hazardous work prohibited to children under 18 years of age; and (ii) to ensure that the list includes a prohibition against the performance by children of work under water or at dangerous heights. It once again requests the Government to provide information on the progress achieved in this regard.***

Article 7(2). Effective and time-bound measures. Clause (d). Children at special risk. HIV/AIDS orphans. The Committee previously noted that the number of HIV/AIDS orphans continued to rise, with the Joint United Nations Programme on HIV/AIDS (UNAIDS) estimating this figure at 390,000 in 2020. It notes the Government's indications that awareness-raising activities are conducted by local authority services and

Operational Technical Units (UTOs) and that, in 2023, 709 orphans and vulnerable children benefited from these sessions. While noting this information, the Committee observes that the Government does not provide information on the implementation of the National strategy for the care of orphans and vulnerable children. ***Recalling that children who are HIV/AIDS orphans are at particular risk of being engaged in the worst forms of child labour, the Committee once again requests the Government to redouble its efforts to protect them from these worst forms of labour, particularly as part of the National strategy for the care of orphans and vulnerable children. Once again, it requests the Government to provide information on: (i) the measures adopted in this respect; (ii) the results achieved; and (iii) the number of HIV/AIDS orphans received by the reception centres set up for their benefit.***

The Committee is raising other matters in a request addressed directly to the Government.

Chad

Minimum Age Convention, 1973 (No. 138) (ratification: 2005)

Previous comment

Article 2(3) of the Convention. Age of completion of compulsory schooling. The Committee notes the Government's indication in its report that, under the terms of section 4(3) of the Act on the orientation of the Chad Education System (No. 6-016 2006-03-13 PR), the State shall guarantee fundamental education for young persons between six and 16 years of age. It notes the Government's clarification regarding the age of completion of compulsory schooling. However, it notes that there is a gap between the compulsory education age (up to the age of 16) and the minimum age for admission to employment (14 years, in accordance with section 52 of the Labour Code). In this regard, the Committee reminds the Government that if the minimum age for admission to employment or work is lower than the school leaving age, children may be encouraged to leave school earlier as they are legally authorized to work (see the 2012 General Survey on the fundamental Conventions, paragraph 370). ***The Committee therefore requests the Government to take the necessary measures to raise the general minimum age for admission to work or employment to bring it into line with the age of completion of compulsory schooling, in accordance with the requirements of the Convention. It requests the Government to provide information on the progress achieved in this regard.***

Article 3(3). Admission to hazardous work from the age of 16 years. The Committee notes with ***regret*** the Government's indication once again that no progress has been made in this regard. ***It therefore once again requests the Government to take the necessary measures, including envisaging an amendment to section 7 of the Decree respecting child labour, to ensure that the national legislation only allows young workers over 16 years of age to undertake hazardous work on condition that their health, safety and morals are fully protected and that they have received adequate specific instruction in the relevant branch of activity, in accordance with Article 3(3) of the Convention. The Committee once again requests the Government to provide information on the progress made in this respect.***

Article 6. Apprenticeships. The Committee previously noted a divergence between the age for entry to an apprenticeship set out in section 18 of the Labour Code (13 years) and the age determined by section 1 of the Decree respecting child labour (14 years). It reminded the Government that, under the terms of *Article 6* of the Convention, the age of entry to an apprenticeship is *14 years*.

The Committee notes the Government's statement that changes have been made. However, it notes with ***regret*** that the Government has not specified the content of these changes, and that section 18 of the Labour Code continues to provide for an age for entry to apprenticeship of 13 years. ***The Committee therefore once again requests the Government to take the necessary measures to harmonize the Labour Code and the Decree respecting child labour and to set the age for entry to***

apprenticeship at 14 years, in accordance with the Convention. It requests the Government to provide information on the progress achieved in this regard.

Article 7. Light work. The Committee previously noted that: (1) under the terms of section 2 of the Decree respecting child labour, the age for admission to employment is set at 12 years for certain types of light work; and (2) by virtue of section 3(2) of the Decree, the duration of such work may not exceed four-and-a-half hours per day. The Committee notes with ***regret*** that once again the Government has not provided any information on this subject. It therefore once again recalls that, in accordance with *Article 7(1)* of the Convention, national laws or regulations may permit the employment or work of persons over 13 years of age (or 12 years where the minimum age for admission to employment or work is 14 years) in light work, on condition that it is *not such as to prejudice their attendance at school*, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received. ***The Committee therefore once again requests the Government to indicate the manner in which the regular school attendance of children working four-and-a-half hours a day is ensured. If it is not able to ensure the regular school attendance of these children, the Committee requests the Government to take the necessary measures to ensure that the legislation only authorizes the employment on light work of persons from the age of 12 years in accordance with the conditions set out in Article 7(1) of the Convention.***

Labour inspection and application of the Convention in practice. The Committee notes that, according to the Multiple Indicator Cluster Survey carried out in 2019 by the National Institute of Statistics, Economic and Demographic Studies (MICS 6): (1) 39.3 per cent of children between the ages of five and 11 years are involved in an economic activity for at least one hour a week; (2) 23.4 per cent of children between the ages of 12 and 14 years are involved in economic activities for at least 14 hours a week; (3) 6.6 per cent of children between the ages of 15 and 17 years are involved in an economic activity for at least 43 hours a week; (4) many children between the ages of five and 11 years and 12 and 14 years are also involved in the performance of household work for more than 28 hours a week (16.8 and 30.7 per cent, respectively); and (5) in total, 39 per cent of children between the ages of five and 17 years are victims of child labour (38.5 per cent of boys and 39.6 per cent of girls), of whom 44.6 per cent work under hazardous conditions. Moreover, the Committee notes the Government's indication that no complaints have been recorded by the labour inspection services in relation to child labour, despite its prevalence in the country. The Committee therefore expresses its ***deep concern*** at the situation of children below the age of 14 years in the country who are working, and at the significant number of children under 18 years of age who are working under hazardous conditions. ***The Committee therefore urges the Government to take all the necessary measures to: (i) ensure the progressive elimination of child labour; and (ii) reinforce the capacities of the labour inspection services to detect cases of child labour in all the sectors of the economy, including the informal economy. In this regard, it requests the Government to: (i) continue providing statistical data disaggregated by sex and age category on the nature, extent and trends in work by children and young persons engaged in child labour; and (ii) provide information on the number of inspections carried out in relation to child labour, the number and nature of the violations detected and the types of penalties imposed.***

The Committee reminds the Government that it can avail itself of ILO technical assistance with a view to bringing the legislation into conformity with the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Article 3 of the Convention. Worst forms of child labour. Clause (a). All forms of slavery or practices similar to slavery. Forced recruitment of children for use in armed conflict. The Committee notes the indication in the Government's report that the Child Protection Code has not been adopted. It recalls

that the preliminary draft text of the Child Protection Code, which prohibits the recruitment and use of young persons under 18 years of age in the national security forces and lays down penalties to that effect, also envisages the establishment of transparent, effective and accessible complaint procedures for cases of the recruitment and use of children in armed conflict. The Government nevertheless indicates that Act No. 001/PR/2017 of 8 May 2017 issuing the Penal Code has been adopted and that, under the terms of section 370 of the Penal Code, any person who has facilitated the enrolment or use of children in armed forces or groups and their use in wars and armed conflict shall be liable to a sentence of imprisonment of from five to ten years and a fine of 1 million to 10 million CFA francs BEAC.

The Committee notes that, according to the report of the Secretary-General of the United Nations to the Security Council of 3 June 2024 on children and armed conflict: (1) cross-border conflicts and intercommunal violence have persistently affected children, especially those in the central Sahel and Lake Chad basin regions; (2) the United Nations verified 2,258 grave violations against 1,193 children (505 boys, 677 girls, 11 sex unknown) in the Lake Chad basin region, including 741 children who were victims of multiple violations, such as the recruitment and use of children (720 cases by rebel and foreign forces); (3) in Province du Lac, the United Nations verified 60 grave violations against 59 children by unidentified perpetrators, including 10 cases of the recruitment and use of children; and (4) the Secretary-General welcomed the efforts made by the Government of Chad to comply with its action plan on child recruitment and use, which was completed in 2014, and the 2014 handover protocol. He nevertheless reiterated his call to pursue accountability for violations against children and to ensure that all disarmament, demobilization and reintegration and social rehabilitation programmes consider the specific rights and needs of children who have been associated with armed groups (A/78/842-S/2024/384, 3 June 2024, paragraphs 8, 270, 271 and 272).

While noting that the Government armed forces no longer appear to be recruiting children, the Committee however notes with ***deep concern*** the continued use and recruitment of children by armed groups. ***The Committee therefore urges the Government to take all the necessary measures to ensure: (i) the elimination in practice of the forced recruitment of children under 18 years of age by armed groups and to undertake immediately the full demobilization of all children; (ii) in-depth investigations and the prosecution of any persons who engage in the forced recruitment of children under 18 years of age for their use in armed conflict so that sufficiently effective and dissuasive penalties are widely imposed in practice; and (iii) the adoption of the Child Protection Code as soon as possible. It requests the Government to provide information on the specific measures taken for this purpose.***

Debt bondage, serfdom and forced or compulsory labour. In its previous comments, the Committee noted that, although forced labour, including debt bondage and slavery, is prohibited by the national legislation, and particularly by section 5 of the Labour Code, the practice of exploiting boys between the ages of 6 and 15 years to look after cattle (child herders) exists in Chad. This practice involves a contract for the hiring of services concluded between the child's parents or guardians and a stockbreeder who owns the cattle. The boy is paid in kind – one animal after one year's work – but is subject to semi-slavery in which it is difficult to maintain his identity and personality. The Committee notes the Government's general indication that it has established child protection committees in all the regions of the country to combat this practice. However, the Government has not provided information on the specific measures taken, including by child protection committees, to bring an end to the practice of child herders. Moreover, it notes that, according to the Government's report to the United Nations Committee on the Rights of the Child (CRC) that: (1) the eradication of the exploitation of child herders is one of the Government's concerns; (2) the preliminary draft of the Child Protection Code will explicitly prohibit this practice; and (3) measures have been taken to strengthen the capacities of the actors involved in combating this practice, particularly through the management and sharing of information and the organization of awareness-raising campaigns (CRC/C/TCD/3-5, 16 July 2024, paragraph 131).

The Committee notes with ***concern*** that the practice of child herders persists. It recalls once again that, in accordance with *Article 1* of the Convention, immediate and effective measures shall be taken to

secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. ***It therefore urges the Government to: (i) take the necessary measures to ensure the protection of children under 18 years of age against the practice of child herders as a matter of urgency; and (ii) ensure that investigations are carried out and prosecutions initiated against the perpetrators and that effective and dissuasive penalties are imposed on persons found guilty of this practice, in accordance with the prohibition of forced labour set out in section 5 of the Labour Code. The Committee also requests the Government to: (i) provide information on this subject; and (ii) furnish a copy of the Child Protection Code once it has been adopted.***

Clause (b). Use, procuring or offering of a child for prostitution. The Committee notes that the new Penal Code continues to criminalize pimping (with heavier penalties where the crime is committed against a minor – sections 335 and 336). However, the Committee notes with ***regret*** that the Penal Code still does not contain a provision criminalizing the client and therefore the use of young persons under 18 years of age for prostitution. ***The Committee therefore once again urges the Government to take the necessary measures to ensure that the legislation contains provisions specifically criminalizing a client who uses a child under 18 years of age for prostitution. It requests the Government to provide information on any progress achieved in this regard.***

Clause (c). Use procuring or offering of a child for illicit activities. The Committee notes with ***regret*** that the new Penal Code still does not contain any provision prohibiting the use, procuring or offering of children under 18 years of age for illicit activities. ***The Committee once again urges the Government to take the necessary measures to ensure that the legislation contains provisions prohibiting and penalizing the use, procuring or offering of a child under 18 years of age for illicit activities, in particular for the production and trafficking of drugs. It once again requests the Government to provide information in this respect.***

Article 7(2). Effective and time-bound measures. Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour and removing them from these worst forms of child labour and ensuring their rehabilitation and social integration. Children who have been enlisted and used in armed conflict. Following its previous comments, the Committee notes the absence of information in the Government's report. However, it notes from the report of the Government to the CRC that: (1) in accordance with the Protocol agreement between the Government of the Republic of Chad and the United Nations System in Chad on the transfer of children associated with armed forces or groups of 10 September 2014, activities are carried out regularly for the identification, transfer and support of minors; (2) in April 2019, 25 children associated with armed forces and groups, of whom one was 15 years of age, thirteen were aged 16 years and eleven aged 17 years, were removed from the Koro Toro high security prison and placed in transit and guidance centres in N'Djaména for their care; (3) in April 2021, 96 minors were identified by the security forces and referred to the Ministry of Women, the Family and Child Protection for transitional care prior to family reunification; (4) the Boko Haram group makes frequent use of children for criminal activities, and as soon as the regular forces recuperate these children, they are transferred to the Ministry of Social Action, in partnership with UNICEF, for care and family reunification, with the Government accordingly reunifying 94 children associated with the Boko Haram group in 2016, including 13 girls, and 9 children in 2017, including 2 girls; and (5) within the context of this partnership, a Transit and Guidance Centre has been established in Bol, Province du Lac, which receives children associated with the Boko Haram group (CRC/TCD/3-5, 16 July 2024, paragraphs 168, 172, 173, 184 and 185). ***The Committee requests the Government to continue reinforcing its efforts and to pursue its collaboration with the United Nations and UNICEF with a view to preventing the enlistment of children in armed groups. It also requests the Government to continue taking measures to ensure that child soldiers are removed from armed groups and receive the necessary direct assistance for their rehabilitation and social integration, including reintegration into the school system or vocational training, as appropriate. It requests the Government to continue***

providing information on the results achieved in this respect, including the number of children who have benefited from rehabilitation and social integration measures.

Clause (d). Children at special risk. Mouhadjirin (talibés) children. The Committee notes from the report of the Government to the CRC that: (1) the eradication of the exploitation of *mouhadjirin* children is one of the concerns of the Government; and (2) the preliminary draft text of the Child Protection Code envisages the prohibition of this practice for economic exploitation (CRC/C/TCD/3-5, 16 July 2024, paragraph 131). The Committee recalls that, although seeking alms as an educational tool falls outside the scope of the Committee's mandate, it is clear that the use of children for begging for purely economic ends cannot be accepted under the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 483). The Committee therefore notes with ***regret*** that the Government has not provided any information since 2009 on the specific measures taken to protect *mouhadjirin* children from the worst forms of child labour. ***The Committee therefore requests the Government to take time-bound measures to prevent the engagement of mouhadjirin children under 18 years of age from being victims of forced or compulsory labour, such as begging, and to withdraw them and provide the necessary and appropriate direct assistance for their rehabilitation and social integration. It requests the Government to provide specific information on the measures taken for this purpose, and the results achieved.***

Child domestic workers. The Committee notes with ***regret*** that once again the Government has not provided any information on this subject. It recalls that: (1) the abusive employment of children in domestic work has been observed in practice; and (2) the Government indicated previously that the sector was in the process of being regulated. ***The Committee requests the Government to take the necessary time-bound measures to protect children engaged in domestic work from the worst forms of child labour, to remove them from such work and provide the necessary and appropriate direct assistance for their rehabilitation and social integration, particularly through the establishment of shelters equipped with the necessary resources. It requests the Government to: (i) provide information on the measures taken in this regard; and (ii) indicate whether regulations have been adopted on domestic work.***

In light of the situation described above, the Committee notes with deep concern the continued recruitment and use of children in armed conflict by armed groups. The Committee also expresses its concern at the persistence of the practice of child herders, in which children are subject to semi-slavery, and the absence of information provided by the Government on the measures taken to end this practice. The Committee further notes with regret that, since 2009, the Government has not provided information on the measures taken to protect mouhadjirin (talibés) children from forced or compulsory labour. The Committee also notes with regret the continued absence of legislative provisions to prohibit and penalize the use of a child for prostitution and the use, procuring or offering of a child for illicit activities. The Committee considers that this case meets the criteria set out in paragraph 90 of its General Report to be submitted to the Conference.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to supply full particulars to the Conference at its 113th Session and to reply in full to the present comments in 2025.]

China

Minimum Age Convention, 1973 (No. 138) (ratification: 1999)

Previous comment

Article 3(1) of the Convention. Hazardous work performed through work–study programmes. The Committee previously noted that: (1) 52.1 per cent of interns worked in conditions that did not meet national minimum standards for labour protection; (2) 14.8 per cent of interns were engaged in

involuntary and coercive work; and (3) a significant number of schoolchildren were engaged in hazardous work within the context of work–study programmes.

The Committee notes the Government's indication, in its report, that the Regulations on the Management of Student's Internship in Vocational Schools (Management Regulations) of 2016 were amended in December 2021, including to: (1) clarify the penalty provisions for violations by vocational schools and internship-receiving organizations; (2) introduce new provisions on "Protection Measures" and "Supervision and Handling" which clarify the responsibilities of schools, internship-receiving organizations, and relevant administrative departments, enhancing accountability for violations, including for violations of the prohibition of employing a child under the age of 18 years in hazardous work; (3) require that job-related internships must be preceded by a tripartite agreement and that vocational schools, internship-receiving organizations and students must be fully informed of the rights, obligations, and responsibilities outlined in the agreement before the internship begins; and (4) students under the age of 18 years who participate in job-related internships must obtain an informed consent signed by their legal guardian.

With regard to the implementation of the Management Regulations, the Government indicates that: (1) if a company violates the provisions of an internship, the intern can report the issue to the school or lodge a complaint to the education department or sue the company; (2) vocational and technical schools in various regions are enhancing regular inspections and guidance, ensuring that intern students have clear channels for reporting issues; (3) colleges and schools develop relevant management measures and work plans, regularly conducting graduate internship patrols and special inspections; and (4) some provinces, such as Sichuan, Gansu, Henan and Shaanxi, established internship management systems. While it takes note of the Government's information, the Committee notes with ***regret*** that once again the Government does not provide the requested information on inspections undertaken in schools and internship entities or on the findings of these inspections. ***The Committee requests the Government to pursue its efforts to protect the rights of students participating in work-study programmes and to ensure that such students are not engaged in hazardous, involuntary and coercive work. The Committee also reiterates its request that the Government provide specific information on the outcome of the inspections conducted in schools and internship entities, including statistical information on the number and nature of infringements detected, as well as the specific penalties applied.***

Article 8. Artistic performances. With reference to its previous comments, the Committee notes the Government's reiterated information that under section 13(1) of the 2002 Regulations Banning Child Labour, arts and sports organizations may recruit professional artists and athletes under the age of 16 years upon consent from their parents or legal guardians. The Committee notes the Government's additional information that between 1 June 2020 and 16 April 2024, the number of children under 16 years participating in commercial performances was 59,308. Further, the Committee notes the Government's statement that the national regulations concerning minors' participation in artistic and sports activities are being strictly enforced. However, the Committee notes with ***concern*** that the Government has still not taken any measures to establish, in law and in practice, the system of granting individual permits by a competent authority for artistic performances for each young persons under the age of 16 years. In this regard, the Committee once again recalls that, by virtue of *Article 8* of the Convention, children below the minimum age of admission to employment or work of 16 years, who are employed in artistic activities, shall do so on the basis of *individual permits granted by the competent authority* rather than on the sole consent of the parent or legal guardian. ***The Committee therefore once again urges the Government to take the necessary measures to ensure the establishment of a system of individual permits for children under 16 years of age who are engaged in artistic and sports activities and to regulate such activities in accordance with Article 8 of the Convention. Such a system of individual permits should ensure that: (i) permits be granted in individual cases by the competent authority; and (ii) the permits so granted shall limit the number of hours during which and prescribe***

the conditions in which employment or work is allowed. The Committee requests the Government to: (i) provide information on any measures taken towards the establishment of such a system; and (ii) continue to provide information on the number of children under 16 years who currently participate in artistic and professional sports activities, and who fall within the exception provided for by section 13(1) of the 2002 Regulations Banning Child Labour.

Article 9(1). Labour inspectorate, penalties and application in practice. The Committee notes the Government's statement that: (1) local labour inspection departments investigate, handle and punish violations of child labour in a timely manner in accordance with the law so that violations are promptly found and addressed; (2) it has taken a combined approach of daily patrols and special inspections to combat and detect child labour; (3) during patrols and inspections, awareness-raising activities of relevant child protection laws are also carried out among employers; (4) information on penalties from relevant units will be made public on the government website; and (5) in recent years, strengthened labour market supervision has led to a significant reduction in child labour cases, with occurrences maintaining an extremely low level of frequency. While taking note of the information provided by the Government that data on infringements will be made public, the Committee notes with ***regret*** that the Government has not provided concrete statistical data on the number, nature and trends of child labour in the country. ***Therefore, the Committee once again urges the Government to: (i) take the necessary steps to ensure that sufficient and accurate data on the situation of working children in China is made available; (ii) share the information collected, including specific data on the number of children and young persons below the minimum age of 16 years who are engaged in economic activities; and (iii) share statistics relating to the nature, scope and trends of their work. The Committee also once again requests that the Government provide information on the number and nature of violations detected by the labour inspectorate and the penalties imposed.***

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2002)

Previous comment

Article 3(a) of the Convention. Worst forms of child labour. Sale and trafficking of children. The Committee previously noted that section 240 of the Criminal Law of 1997 prohibits trafficking in women and children and that the term "children" under section 240 of the Criminal Code is defined as persons under 14 years of age, leaving no specific prohibition of trafficking of boys aged 14–18 years. In this regard, the Committee notes that the Government, in its report, reiterates its previous statement that boys aged 14–18 years are protected by other legislation and that, if they are trafficked, the law punishes such acts based on the specific illegal activity committed such as forced labour, organizing or forcing prostitution or organizing minors to engage in activities that violate public security administration. The Committee must therefore once again recall that *Article 3(a)* requires the adoption of provisions specifically prohibiting the sale and trafficking of both boys and girls under 18 years of age (see the 2012 General Survey on the fundamental Conventions, paragraph 450). ***The Committee therefore requests the Government to take the necessary measures to ensure that section 240 of the Criminal Code is amended to extend the prohibition of trafficking to boys aged 14 to 18 years.***

Articles 5 and 7(1). Monitoring mechanisms and penalties. Sale and trafficking of children. The Committee notes the Government's indication that: (1) an inter-ministerial joint conference system for anti-trafficking work was established, with the aim of creating a long-term mechanism that integrates prevention, enforcement, rescue, placement and rehabilitation; (2) in 2022, the Supreme People's Procuratorate, the Supreme People's Court and the Ministry of Public Security established a joint coordination mechanism to combat trafficking of women and children and related crimes; (3) public security departments regularly carry out special crackdowns on trafficking and sexual crimes, including through the continued implementation of the "Reunion" operation launched in 2021; and (4) special

actions have been taken to solve the backlog of abduction and trafficking cases, focusing on apprehending suspects involved in child trafficking and locating missing and trafficked children.

The Committee further takes note of the Government's statement that the Supreme People's Procuratorate has been rigorous in approving arrests and prosecutions for crimes that severely violate minors' rights such as trafficking, and in making recommendations on heavy sentencing. Among the activities of the Supreme People's Procuratorate, the Committee notes: (1) the issuance in November 2022 of five decisions punishing the crimes of abduction and trafficking in women and children, strengthening the case-handling guidance for crimes such as trafficking, buying and selling, and forced prostitution; and (2) the provision of ongoing supervision and guidance on more than 70 major and sensitive cases involving crimes against minors, including cases of child trafficking.

With regard to data on investigations, the Government indicates that, in 2022, a total of 824 child trafficking cases were solved nationwide. Since 2021, 2,841 individuals have been prosecuted for organizing, coercing, inducing, harbouring, or introducing minors to prostitution, which is closely related to gangland crimes. ***The Committee requests the Government to continue taking measures to ensure that perpetrators of child trafficking are subjected to thorough investigations and prosecutions and that dissuasive penalties are imposed. In this regard, the Committee requests the Government to continue to provide information on the number of investigations, prosecutions and convictions, as well as the specific penalties imposed in cases of sale and trafficking of children. If possible, such data should be disaggregated by the age and sex of the victim.***

Article 6. Programmes of action to eliminate the worst forms of child labour. Child trafficking. The Committee notes, from the Government's information, the adoption of the National Programme for Child Development (2021–2030), which provides that crimes such as child trafficking must be severely punished in accordance with the law and establishes a detailed list of strategies and measures. These measures include strictly cracking down on illegal and criminal acts such as child trafficking, continuing to implement and strengthen a long-term anti-trafficking mechanism that integrates prevention, enforcement, rescue, placement and rehabilitation, and continuing to implement the Plan of Action Against Human Trafficking (2021–2030).

The Committee notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), in its concluding observations, expressed concern about: (1) the high prevalence of trafficking in women and girls; (2) reports of organized criminal groups subjecting Chinese and foreign women and girls to forced labour in domestic service, forced concubinage and forced childbearing, and sex trafficking within and into China, luring victims with fraudulent job offers or forced and fraudulent marriage; and (3) the fact that China is a country of destination for trafficking in women and girls from the Democratic People's Republic of Korea for purposes of sexual exploitation, forced marriage or concubinage (CEDAW/C/CHN/CO/9, 31 May 2023, paragraphs 27 and 29). ***The Committee requests the Government to continue taking measures within the framework of the Plan of Action Against Human Trafficking (2021–2030) and the National Programme for Child Development (2021–2030) to prevent and combat the trafficking of children under 18 years. It requests the Government to provide information on the measures taken to this end and the results achieved.***

The Committee is raising other matters in a request addressed directly to the Government.

Colombia

Night Work of Young Persons (Industry) Convention, 1919 (No. 6) (ratification: 1983)

Previous comment

Articles 2(1) and (2) and 3(1) of the Convention. Period during which it is prohibited to work at night and exceptions for persons over the age of 16. In its previous comments, the Committee took note of section 114(1) of the Children and Young Persons' Code, which establishes: (1) that young persons

between 15 and 17 years of age are authorized to work a maximum of six hours per day and until 6 p.m. at the latest; and (2) under section 114(2) young persons aged 17 may work a maximum of eight hours a day, until 8 p.m. at the latest. The Committee also noted that the Labour Code defines "night work" as work undertaken between 10 p.m. and 6 a.m. In this regard, the Committee recalled that, even for young persons of 17 years of age, the period to which *Article 3(1)* of the Convention refers, must be of at least 11 consecutive hours.

The Committee notes the Government's indication that under section 114(2) of the Children and Young Persons' Code, for young persons from the age of 17 years, the term "night", applicable to the underage worker of 17 years, is defined as a period of ten consecutive hours between 8 p.m. and 6 a.m. This definition is aligned with section 160 of the Substantive Labour Code, which establishes that night work is work carried out between 9 p.m. and 6 a.m. However, the Government considers that the law fulfils the requirements of the Convention for the following reasons: (1) the day shift goes from 6 a.m. until 9 p.m. which, while not complying with a period of 11 consecutive hours, enables the young person to carry out his or her work with a sufficient degree of flexibility; and (2) in Colombia, night work is formally prohibited for minors of less than 18 years of age, without the exceptions provided for under *Article 2(2)* of the Convention. The Government therefore considers that although Colombia does not stipulate a night period of 11 consecutive hours, the difference of one hour is not an obstacle to fulfilling the requirements of the Convention.

The Committee therefore recalls once again that under *Article 3(1)* of the Convention, the term "night" signifies a period of at least *11 consecutive hours*, including the interval between 10 o'clock in the evening and 5 o'clock in the morning. ***In consequence, the Committee requests the Government to adopt the measures necessary to ensure that section 114(2) of the Children and Young Person's Code is amended to prohibit night work for all young persons of less than 18 years of age, including those of 17 years, during a period of 11 consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning. It requests the Government to provide information on the progress achieved in this regard.***

Minimum Age Convention, 1973 (No. 138) (ratification: 2001)

Previous comment

The Committee notes the observations of the National Employers Association of Colombia (ANDI) received on 30 August 2024. It also notes the joint observations of the Confederation of Workers of Colombia (CTC), the General Confederation of Labour (CGT) and the Single Confederation of Workers of Colombia (CUT), received on 3 September 2024. ***The Committee requests the Government to provide its comments in this respect.***

Article 1 of the Convention. National policy for the abolition of forced labour and application in practice. The Committee notes the information provided by the Government in its report on the measures adopted to implement the Public Policy for the Prevention and Elimination of Child Labour (2017–27), specifically the establishment of an interdisciplinary team, within the sub-directorate for labour protection of the Ministry of Labour, to provide assistance and training on child labour to municipal and departmental authorities, as well as the general public. The Committee notes that the team organized around 20 awareness-raising days for children and young persons per year, and conducted: (1) in 2021, meetings in 32 departments and 799 municipalities, which were attended by 5,275 persons; (2) in 2022, meetings in 30 departments and 734 municipalities, which were attended by 3,178 persons; and (3) in 2023, meetings in 32 departments and 520 municipalities, which were attended by 1,977 persons.

The Government also indicates that the Ministry of Labour has an Integrated Information System for Identification, Registration and Classification of Child Labour and its Worst Forms (SIRITI), which allows for the coordination of information on the engagement of children in child labour and its

worst forms, in order to make that information available to all entities involved in restoring the rights of children and young persons at the national, departmental, district and municipal levels. The SIRITI platform, which contains information that is directly supplied by local governments, allows for general monitoring of the effective implementation of the Public Policy Framework for the Prevention and Eradication of Child Labour, with access to real-time reporting on indicators relating to children and young persons identified as being in a situation of vulnerability. According to the Government, this makes it easier for the Interinstitutional Committees for the Elimination and Prevention of Child Labour and its Worst Forms (CIETIs) to take immediate action with regard to the processes to monitor the rights of and provide services to the population identified as being engaged in or at risk of child labour.

The Committee notes the statistical data provided by the Government, which highlight that, according to the Major Integrated Household Survey: (1) between 2022 and 2023, the rate of child labour decreased from 3.4 per cent to 2.9 per cent; (2) the statistics on child labour, expanded to include unpaid domestic work within the household exceeding 15 hours per week, was 11 per cent in 2022 and 10 per cent in 2023; (3) in 2023, the total national rate of child labour was 4.1 per cent for boys and 1.7 per cent for girls; and (4) where the rate of child labour takes into account unpaid domestic work, girls work more (12.7 per cent of girls compared with 7.5 of boys). The Committee also notes that, according to the Government, from July 2022 to June 2024, the administrative authorities enabled 1,231 children and young persons to begin the administrative process for the restoration of rights.

The Committee notes that ANDI: (1) highlights the significant progress made, with a major decrease in the rate of child labour in the country; (2) reiterates that the private sector is a key stakeholder in the fight to eliminate child labour, including through the Network of Enterprises against Child Labour, which comprises businesses committed to sharing best practices and designing strategies to prevent and progressively eliminate child labour, both in their supply chains and in the area of influence of their operations; and (3) indicates that it participated as a focal point in the Regional Initiative for the Elimination of Child Labour. ***The Committee requests the Government to continue to take measures to eliminate child labour, including in hazardous conditions, within or outside the framework of the Public Policy for the Prevention and Elimination of Child Labour (2017–27). It also requests the Government to continue to provide information on: (i) the measures adopted in this respect; (ii) the progress achieved through SIRITI; and (iii) the updated statistics on the nature, extent and trends of child labour.***

Article 2(3). Compulsory education. The Committee notes the following information provided by the Government: (1) in 2020, 2021 and 2022, through the Carvajal Foundation, an educational strategy was implemented (the "Route to School Retention" strategy) in 77 educational institutions in 11 certified territorial bodies, which helped to prevent school dropouts due to risk factors associated with falling behind, repeating years and potentially dropping out due to child labour; (2) in 2022, jointly with the Colombian Family Welfare Institute (ICBF), a road map was developed on the prevention of school dropout and reintegration into the education system, which contains proposals for coordinated actions to identify, actively search for and integrate into the education system children and young persons engaged in child labour activities; (3) since 2023, the road map has been piloted with 20 territorial bodies targeted jointly by the Ministry of National Education and the ICBF; (4) the Ministry of National Education provides the certified territorial bodies with continuous technical assistance in order to share the dropout figures and risk factors identified in the Information System for the Monitoring, Prevention and Analysis of School Dropout (SIMPADE), with the aim of ensuring that this information is taken into account in the development of the annual retention plans of each certified territorial body; and (5) SIMPADE is a computer information application with online access, which enables the heads of educational establishments, secretaries of education and the Ministry of National Education to have early warnings regarding the population with the highest risk of dropout.

The Committee also notes that, according to the country's profile in UNESCO's Information System on Educational Trends in Latin America (SITEAL) in 2022: (1) the adjusted net rate for primary

school attendance was 89.4 per cent for boys and 90 per cent for girls (a decrease compared with 2019, when the rates were 94.6 and 97.2 per cent for boys and girls, respectively); and (2) the adjusted net rate for lower secondary school attendance was 84.2 per cent for boys and 89.7 per cent for girls (an increase compared with 2019, when the rates were 82.4 and 87.9 per cent for boys and girls, respectively). ***The Committee requests the Government to continue its efforts to ensure compulsory schooling for children and young persons at the national level, at least until the age of 15 years. In this regard, the Committee requests the Government to continue to provide: (i) information on any other measures adopted and their results; and (ii) updated statistics on the school attendance and completion rates of children under the age of 15 years.***

Article 9(1). Penalties and labour inspection. The Committee notes the Government's indication that, where work permits are granted to a young person or, exceptionally, to a child, by the Ministry of Labour, inspections are carried out within two months to verify the working conditions. In this regard, the Committee duly notes the data provided by the Government on the number of inspections undertaken to follow up on the permits granted.

The Committee also notes the detailed information provided by the Government on the inspection strategies implemented to prevent child labour, namely: (1) the issuance by the Inspection, Oversight, Control and Territorial Management Directorate (Inspection Directorate) of annual guidelines for the conduct of inspection visits or inspection actions, with the aim of promoting prevention and protection in its "Guidelines for the Comprehensive Inspection Plan"; (2) the inclusion, in general inspections, of visits to verify, inter alia, the prevention of child labour, the protection of young workers, the identification of cases of child labour, particularly in its worst forms, and the detection of commercial sexual exploitation; and (3) the conduct, in 2022, by the Inspection Directorate, of 196 meetings on the prevention of child labour and the promotion of the rights of vulnerable populations.

The Committee welcomes the data provided by the Government on the violations related to child labour registered through punitive administrative procedures, including: (1) in 2021, 14 violations in total, 9 of which involved the engagement in work of a child without the required authorization, 3 involving prohibited work, and 1 where the maximum legal working hours were exceeded; (2) in 2022, 23 violations involved the engagement in work of a child without the required authorization, 1 involved a demand for the accrual of leave, and 1 involved prohibited work; and (3) in 2023, 12 violations of which 11 involved the engagement of a child without the required authorization and 1 in which the maximum legal working hours were exceeded. The Committee also notes the information provided on the penalties imposed. ***The Committee encourages the Government to continue its efforts to give full effect to the Convention and to provide updated information on the number of investigations conducted by the Labour Inspectorate in which penalties have been imposed for violations of the legislation on child labour, indicating the type of penalty and the nature of the violation.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2005)

Previous comment

The Committee notes the observations of the National Employers Association of Colombia (ANDI) received on 30 August 2024. It also notes the joint observations of the Confederation of Workers of Colombia (CTC), the Single Confederation of Workers of Colombia (CUT) and the General Confederation of Labour (CGT), received on 3 September 2024. ***The Committee requests the Government to provide its comments in this respect.***

Articles 3(a) and 7(1) and (2)(b) of the Convention. Worst forms of child labour. Sale and trafficking of children, penalties and effective and time-bound measures. Direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. The Committee notes the Government's information, in its report, on the different measures adopted to prevent the trafficking of

children and young persons, in particular: (1) the adoption of Act No. 2205 of 2022 amending sections 175 and 201 of Act No. 906 of 2004 and establishing the Special Investigative Unit for Prioritized Crimes against Children and Young Persons, to expedite legal proceedings related to serious crimes against minors; (2) the adoption of Resolution No. 409 of 2023 establishing the Investigative Taskforce for Prioritized Crimes against Children and Young Persons, to strengthen the investigative capacity of the Office of the Attorney-General for crimes against minors, ensuring specialized and priority attention in the investigation and prosecution of those crimes; and (3) the awareness-raising campaign *#EsoEsCuento* ("It's a fairytale"), which is a strategy for the prevention of trafficking in persons, commercial sexual exploitation and smuggling of migrants, through which interventions with the wider community have been implemented in public spaces related to means of transport, prioritized school settings and youth networks in areas of high vulnerability to crime, with the aim of preventing such crimes and alerting persons to the recruitment mechanisms used by traffickers and sexual exploiters.

The Committee notes the detailed information provided by the Government on the "Road map for the provision of care for children and young persons affected by trafficking in persons", which explains the procedure to be followed by the Colombian Family Welfare Institute (ICBF) for the comprehensive care of children who are victims of trafficking, as part of the National Strategy against Trafficking in Persons 2020–2024, as well as on the Technical Guidelines for the Specialized Care of Child and Young Victims of Trafficking in Persons, which include legal support, technical and legal advice, legal representation, and access to health and education services.

The Committee also notes that, during the period between July 2022 and June 2024, a total of 5 boys and 49 girls began the administrative process for the restoration of rights on the grounds of trafficking (48 for sexual exploitation, 3 for labour exploitation, 1 for trafficking for servitude, 1 for begging, and 1 for forced marriage).

The Committee notes that, according to the report of the Special Rapporteur on trafficking in persons, especially women and children: (1) trafficking in children for a range of purposes of exploitation persists, including sexual exploitation, exploitation in criminal activities, recruitment and use in support roles and in combat roles, and for purposes of domestic servitude; (2) the increase in the budget of the national fund to combat trafficking in persons in 2023 was welcomed; (3) in 2022, a protocol for identifying, protecting and assisting victims of trafficking in migration contexts was adopted; (4) concerns were raised during the visit that assistance for victims remains limited; and (5) the absence of safe accommodation for victims is particularly alarming despite the fact that the ICBF provides partial funding for two shelters that assist children who are victims of trafficking (A/HRC/56/60/Add.1, 20 May 2024, paragraphs 32, 68, 69, 70 and 73). ***The Committee requests the Government to continue to take measures to prevent the trafficking of children and to provide appropriate direct assistance to child victims to ensure their rehabilitation and social integration, and to provide information on the measures adopted. The Committee also requests the Government to provide information on the number and nature of the violations observed, the investigations and prosecutions carried out, and the criminal penalties imposed.***

Forced recruitment of children for use in armed conflict. With regard to the investigations and prosecutions undertaken in relation to the recruitment and use of children under the age of 18 years in armed conflict, the Committee notes the following information provided by the Government: (1) the Directorate for Policy and Strategy (DPE) and the Directorate to Support Investigations and Analysis on Organized Crime (DAIACCO) receive, by special assignment from the Office of the Attorney-General, investigations into crimes that are allegedly attributable to organized groups, and take charge of these investigations until their completion; (2) between June 2021 and June 2024, 1,313 inquiries were conducted in relation to the "illicit recruitment of minors", three sentences were handed down, five investigations were conducted and six trials were held; (3) during the same period, 652 inquiries were conducted in relation to the "use of minors", 439 sentences were handed down, 179 investigations were conducted and 723 trials were held; and (4) between June 2023 and July 2024, the DAIACCO reported

six convictions handed down against armed groups, seven rulings resulting from a pre-settlement, and two plea bargains due to acceptance of the facts.

Regarding the measures adopted to ensure comprehensive care for children who are victims of forced recruitment by armed groups, and to prepare them for social integration, the Committee notes that, according to the Government: (1) since 1999, the ICBF has continued to implement the specialized care programme on restoring rights for child and young victims of illicit recruitment who leave armed groups operating outside of the law; (2) as part of the care provided to child victims who have left an organized armed group, the ICBF must verify their physical and psychological health, nutritional and vaccination status, and registration in the civil birth registry, as well as the location of their family of origin, conduct a study of the family environment, identify elements of both protection and risk for the enforcement of their rights, and check whether they are registered with the health, social security and education systems; (3) the process for the provision of care includes the technical guidelines for the implementation of the model of care for children and young persons in procedures for the restoration of rights, which were approved by Decision No. 4199 of 15 July 2021; and (4) care was provided to 302 children and young persons between July and December 2022, 419 between January and December 2023, and 373 between January and April 2024. The Committee also notes that ANDI underscores the progress made in the provision of assistance and care, and the restoration of rights for child and young victims of illicit recruitment.

The Committee notes that the Special Rapporteur on trafficking in persons: (1) expressed concern about the continued incidence of forced recruitment by armed groups among indigenous and Afro-Colombian communities, as well as the recruitment and use of children; (2) noted that, in addition to combat roles, children are used by armed groups in support roles, such as acting as lookouts and assisting in activities such as the supply of narcotics and smuggling, while girls are specifically targeted for purposes of sexual exploitation, sexual slavery, child marriage and domestic servitude; (3) expressed concern at the limited assistance and protection given to children who escape from armed groups or criminal organizations, as they are at high risk of violence or reprisals, including being assassinated or becoming once again victims of trafficking, cases that are not always reported due to the lack of trust in the protection mechanisms available, fear of reprisals and continuing concerns in relation to the possible complicity of law enforcement authorities in the activities of armed groups and criminal organizations; and (4) noted that where children and young people are demobilized, with limited protection or follow-up mechanisms in place, serious risks of re-trafficking remain. The Committee also notes that the Special Rapporteur was concerned that children are not recognized as victims, are not provided with assistance and protection measures and may be subject to criminal prosecution, in violation of the non-punishment principle, highlighting the particular vulnerability of children and the impact of intersectional and multiple discrimination based on race and ethnicity and gender (A/HRC/56/60/Add. 1, 20 May 2024, paragraphs 15, 33, 34 and 36).

The Committee also notes that, according to the report of the United Nations High Commissioner for Human Rights: (1) the Office of the High Commissioner and the Secretary-General verified 134 cases (86 boys, 42 girls and 6 children whose sex is unknown) of recruitment or use of children in the armed conflict by non-State armed groups and criminal organizations; (2) such violations are highly underreported, and so these figures are mere illustrations of a wider problem, and it is of particular concern that, in 75 cases, the victims belonged to ethnic groups (71 indigenous persons and 4 Afrodescendants); and (3) five children were tried for having been members of a non-State armed group, instead of seeing their rights restored and their status as victims recognized (A/HRC/55/23, 12 July 2024, paragraphs 16 and 17). While noting the efforts of the Government to prevent the recruitment of children in armed conflict, the Committee notes with ***deep concern*** that armed groups continue to recruit and use children in armed conflict. ***The Committee therefore urges the Government to take the necessary measures to ensure the full and immediate demobilization of all children and to put a stop to the forced recruitment of children in armed groups, including by: (i) ensuring that***

investigations and prosecutions of all persons who forcibly recruit children under 18 years of age for use in armed conflict are carried out to facilitate the imposition of sufficiently effective and dissuasive penalties in practice; and (ii) ensuring comprehensive care for all children who are victims of forced recruitment by armed groups, preparing them for social integration, and ensuring that they are treated as victims and not as criminals. In this regard, the Committee requests the Government to continue to provide information on: (i) the investigations and prosecutions undertaken and the convictions imposed on those responsible for the recruitment and use of persons under 18 years of age in armed conflict; and (ii) the number of victims who have benefited from the specialized care programme for social reintegration.

Articles 3(b), 7(1) and 7(2)(b). Use, procuring or offering of a child for prostitution, penalties and effective and time-bound measures. Direct and necessary assistance for the removal of children from the worst forms of child labour and for their rehabilitation. Commercial sexual exploitation of children. The Committee notes with ***interest*** the Government's information that Act No. 2197 of 2022 was adopted, which amends section 9 of Act No. 1336 of 2009, and which establishes that: "Annulment of ownership shall be applied to hotels, boarding houses, hostels, residences, apartment hotels and other establishments that provide hosting services, where such properties are used for activities involving the sexual use of children and young persons". The Government also indicates that, under the first component of the Public Policy Framework for the Prevention and Elimination of Commercial Sexual Exploitation of Children and Young Persons, which concerns the promotion of rights and prevention, the following measures were taken: (1) in 2023, technical assistance was provided to sensitize 4,072 persons in 27 departments, with actions carried out to strengthen 317 municipalities; (2) the launch of the campaign *¡No permito!* ("I won't allow it!") is being prepared, which is aimed at strengthening reporting of this crime; and (3) the Inter-Institutional Committee for the Prevention and Elimination of the Commercial Sexual Exploitation of Children and Young Persons was reactivated in order to implement the Public Policy, in accordance with Act No. 1336 of 2009.

The Committee notes the Government's indication that the type of assistance received by victims of commercial sexual exploitation is the same as that for victims of sexual violence. In such cases, the administrative authority may establish that the victims will receive care under the arrangements provided by the ICBF, such as initial placement in an emergency centre, followed by the provision of support and strengthening services for the families (outpatient psychosocial support), or in an alternative family environment (in a children's home or foster home). The Committee also notes ANDI's indication that the ICBF has developed care strategies and that, in conjunction with the Office of the Attorney-General, actions have been implemented to ensure the right to justice and comprehensive compensation of children and young persons who are victims of crimes related to commercial sexual exploitation. In this regard, the Government indicates that 432 child and young victims of sexual violence and commercial sexual exploitation began an administrative process for the restoration of rights in 2021, 261 in 2022, 298 in 2023 and 57 between January and March 2024. ***The Committee requests the Government to continue to take the necessary measures, including under the Public Policy Framework, to combat the commercial sexual exploitation of children and young persons, and to provide the necessary and appropriate direct assistance to remove them from this worst form of child labour. In this regard, the Committee requests the Government to continue to provide information on the measures taken and the results obtained in this respect. The Committee also once again requests the Government to provide information on the number of investigations and legal proceedings instituted in relation to the commercial sexual exploitation of children and on the criminal penalties imposed on its perpetrators.***

Articles 3(d) and 4(1). Hazardous work and penalties. Child domestic work. The Committee notes that, according to the Government, the rate of child labour expanded to include unpaid domestic work exceeding 15 hours per week was 11 per cent in 2022 and 10 per cent in 2023. It also notes that, in her report, the Special Rapporteur on trafficking in persons, indicated that the prevalence of child labour is

a serious concern, in particular in the domestic work sector (A/HRC/56/60/Add.1, paragraph 38). While noting the decrease by one percentage point in the rate of child labour extended to include domestic work, the Committee notes with ***regret*** that the level of child domestic labour remains high. In this regard, it recalls that Decision No. 1796 of 2018 updating the list of hazardous work prohibited for persons under 18 years of age includes domestic work at home of more than 15 hours a week as hazardous, as well as domestic work in third party houses (section 3(36)).

The Committee also notes the Government's indication that the Ministry of Labour, in cooperation with the ICBF, is currently in the process of updating Decision No. 1796 of 2018 which updates the list of hazardous activities, which by their nature or type of work are harmful to the health and physical or psychological integrity of persons under 18 years of age. In this respect, ANDI indicates that, in July 2024, a first meeting was held to update the list of hazardous activities and requests the Government to pursue the tripartite development of public policies on labour. ***The Committee requests the Government to take the necessary measures to combat child domestic labour, and to ensure the effective application of section 3(36) of Decision No. 1796 of 2018 which prohibits domestic labour for persons under 18 years of age and, the imposition of sufficiently dissuasive penalties against persons who subject persons under 18 years of age to domestic labour in hazardous conditions. The Committee requests the Government to provide information on the number and nature of the violations detected, the number of persons prosecuted and the penalties imposed, and on the process to update the list of work considered as hazardous for persons under 18 years of age.***

The Committee is raising other matters in a request addressed directly to the Government.

Comoros

Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) (ratification: 1978)

Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78) (ratification: 1978)

The Committee notes that the Government's reports have not been received. It is therefore bound to repeat its previous comments.

In order to provide an overview of all the issues relating to the application of the ratified Conventions on the medical examination of young persons, the Committee considers it appropriate to examine Conventions Nos 77 and 78 in a single comment.

The Committee notes the comments made by the Workers Confederation of Comoros (CTC), received on 16 August 2016 and 25 July 2017.

Article 6 of Conventions Nos 77 and 78. Vocational guidance and physical and vocational rehabilitation of children and young persons found to be unsuited to certain types of work. In its previous comments, the Committee noted that the new Labour Code of Comoros was adopted in 2012 by virtue of Act No. 12–167. Pursuant to section 130 of the Code, labour inspectors may require the examination of children by a registered physician with a view to ensuring that the work they have been assigned does not exceed their strength. Children cannot continue to be assigned to such work and must be assigned to a job that is suited to them and, if this is not possible, the contract must be terminated with payment of compensation in lieu of notice. The Government also indicated that an Order on the types of work and categories of enterprises prohibited for young persons was adopted and published in 2014. The Government further indicated that, under section 17 of the Order, children hired for work that they are prohibited to perform have to be reassigned to work that is suited to them. The Committee nevertheless reminded the Government that *Article 6* requires appropriate measures to be taken by the competent authority for the vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical disabilities or limitations. The Committee emphasized that this situation also occurs in jobs that are not generally prohibited for young persons, but in which they are found to be unsuited to work that would otherwise be allowed.

The Committee notes with ***regret*** that the Government has not provided any new information on this subject. ***The Committee requests the Government to take specific measures for the vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical disabilities or limitations, in accordance with Article 6(1). It requests the Government to provide information on the progress achieved in this regard.***

Article 7(2) of Convention No. 78. Scope of application and supervision of the application of the system of medical examination for fitness for employment to young persons engaged either on their own account or on account of their parents. In its previous comments, the Committee noted that the Labour Code of 1984 did not seem to cover apprentices or children and young persons working on their own account, in itinerant trading or in any other occupation carried out in the streets or in a public place (for the latter, *Article 7(2)* also provides for measures of identification, to be determined by national laws or regulations, in order to ensure the application of the system of medical examination). The Committee also noted the observation of the CTC that non-industrial occupations are outside the scope of the labour inspectorate's supervision. The Committee further noted the Government's indication that, in the context of the revision of the national labour legislation, all the necessary measures would be examined in order to bring the legislation into conformity with the provisions of the Convention. The Committee expressed the firm hope that the Bill revising the Labour Code would be adopted in the very near future and that its provisions would give effect to *Article 7* of the Convention.

The Committee notes with ***interest*** that, by virtue of section 129(2) of the new Labour Code of 2012, children under the age of 15 years are prohibited from working on their own account. The Committee also notes that, under section 130 of the Labour Code, labour inspectors may require the examination of children by a registered physician with a view to ensuring that the work they have been assigned does not exceed their strength. Such an examination is mandatory when requested by the parties concerned.

However, the Committee notes the observations of the CTC that, although the legislative texts provide for the medical examination of young persons, there is no supervision by the labour inspectorate in practice. Furthermore, the CTC expresses its regret that the problem of medical examinations of young persons is far from being resolved, given the lack of a functional service in the Ministry and the fact that this issue is not a priority for the administration. The Committee recalls that, under the terms of *Article 7(2)(a)*, national laws or regulations shall determine the measures of identification to be adopted to ensure the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried out in the streets or in places to which the public have access. Under *Article 7(b)*, national laws or regulations shall also determine the other methods of supervision to be adopted to ensure the strict enforcement of the Convention. ***The Committee therefore requests the Government to take the necessary measures to establish supervision of the application of the system of medical examination for fitness for employment to young persons engaged either on their own account or on account of their parents, in itinerant trading or in any other occupation carried out in the streets or in places to which the public have access. It requests the Government to provide information on any progress achieved in this regard.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Minimum Age Convention, 1973 (No. 138) (ratification: 2004)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 2(3) of the Convention. Compulsory schooling and application of the Convention in practice. In its previous comments, the Committee noted that child labour was a visible phenomenon in the country, particularly as a result of poverty and of the low school enrolment rate in some cases. In this regard, the Committee noted that the capacity of schools was very limited and that some primary and secondary schools were obliged to refuse to enrol certain children of school age. Consequently, a large number of children, particularly from poor families and disadvantaged backgrounds, were deprived of an education.

The Committee noted the Government's indication that there had been a positive trend towards gender parity in school, standing at 0.87 at primary level. However, it was less satisfactory at secondary level, where the numbers of girls in school had fallen significantly. According to the Government, particular problems in the educational situation for girls involved late enrolment, a very high repetition rate – around 30 per cent in primary school and 23 per cent in secondary school – and a high drop-out rate, with only 32 per cent of pupils completing primary education.

The Committee notes the Government's statement in its report that it is taking steps to reduce the disparity in school enrolment rates for girls and boys. The Government indicates that the school mapping system is being revised by the Ministry of Education, in conjunction with the education offices and UNICEF, with a view to boosting educational coverage and ensuring better access to education for children living in rural areas. Moreover, the Committee notes that a UNICEF country programme has been adopted for 2015–19, which aims, among other things, to support the Government's efforts to enhance children's right to education. One of the main objectives of the programme is to ensure that all children are enrolled in and complete inclusive, high-quality education, with the focus on equity and achievement.

However, the Committee notes that section 2 of Framework Act No. 94/035/AF of 20 December 1994 provides that schooling is only compulsory from 6 to 12 years of age, which is three years earlier than the minimum age for admission to employment or work, namely 15 years. Referring to the General Survey of 2012 on the fundamental Conventions, the Committee observes that if compulsory schooling comes to an end before children are legally entitled to work, a vacuum may arise which regrettably opens the door for the economic exploitation of children (paragraph 371). The Committee therefore considers it desirable to raise the age of completion of compulsory schooling so that it coincides with the minimum age for admission to employment or work, as provided for in Paragraph 4 of the Minimum Age Recommendation, 1973 (No. 146). ***Recalling that compulsory education is one of the most effective means of combating child labour, the Committee strongly encourages the Government to take the necessary steps to make education compulsory until the minimum age for admission to employment, namely 15 years. Moreover, the Committee requests that the Government intensify its efforts to increase the school attendance rate and reduce the school drop-out rate, especially among girls, in order to prevent children under 15 years of age from working. The Committee requests that the Government provide information on the results achieved in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Costa Rica

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

The Committee notes the observations of the Costa Rican Federation of Chambers and Associations of Private Enterprise (UCCAEP), communicated with the Government's report. It also notes the joint observations of the Confederation of Workers Rerum Novarum (CTRN) and the Costa Rican Workers' Movement Central (CMTC), received on 7 September 2024. ***The Committee requests the Government to provide its comments in this respect.***

Article 3(a) and (b) of the Convention. Worst forms of child labour. Sale and trafficking of children for commercial sexual exploitation; use, procuring or offering of a child for prostitution. The Committee notes the following statistics, provided by the Government in its report, on the investigations of the Deputy Prosecutor against trafficking in persons and migrant smuggling into trafficking in persons: (1) in 2022, 23 investigations were conducted into trafficking in persons, including 13 investigations into trafficking for sexual exploitation; (2) in 2023, 90 investigations were conducted into trafficking in persons, including 40 investigations into trafficking for sexual exploitation and 34 investigations into child pornography-related offences; and (3) in 2023, there were nine convictions and two acquittals. The Committee notes that this information is not disaggregated by victims' age and that therefore, with the

exception of the investigations into child pornography, the proportion of these investigations and convictions that concern victims under 18 years is unknown.

The Committee also notes the following information provided on cases registered by the Office of the Public Prosecutor: (1) none of the 229 cases of trafficking in persons in 2020 was related to trafficking in minors; (2) four of the 312 trafficking cases in 2021 related to trafficking in minors; (3) two of the 180 trafficking cases in 2022 related to trafficking in minors; and (4) between 2020 and 2022, 116 paid sexual acts with minors, 655 cases of dissemination of child pornography and 67 cases of preparation, production or reproduction of child pornography were recorded. Based on the information provided by the Government, the Committee once again notes: (1) the low number of cases recorded relating to trafficking in minors under 18 years, including trafficking for commercial sexual exploitation; and (2) the lack of information on convictions in cases of child trafficking and commercial sexual exploitation of children. ***While noting this information, the Committee requests the Government to make every effort possible to ensure that the corresponding investigations are conducted to enable the identification, arrest and prosecution of the perpetrators of child trafficking, and that sufficiently dissuasive penalties are imposed. In this regard, it once again requests the Government to provide detailed information on the number and nature of the violations reported, investigations and prosecutions carried out, and the convictions applied relating to the trafficking and commercial sexual exploitation of children under 18 years.***

Article 7(2). Effective and time-bound measures. Clauses (a) and (b). Preventing children from becoming engaged in the worst forms of child labour and direct assistance for their removal, rehabilitation and social integration. Trafficking and commercial sexual exploitation of children. The Committee notes, from the Government's report, that: (1) in any cases where a risk of trafficking in persons is suspected, reference must be made to the Institutional Protocol for care of minors who are victims and survivors of the crime of trafficking in persons and minors who are dependants on a victim of trafficking in persons (2020); (2) the National Children's Trust (PANI) established a notification system with RED 9-1-1, which operates 24 hours a day, 365 days a year, and which has increased the capacity to issue warnings and report situations of imminent risk to children and young persons, mobilizing the inter-institutional network for their protection; and (3) in 2023, there were nine minors recorded by the Immediate Response Team of the National Coalition against Migrant Smuggling and Human Trafficking (CONATT), six of whom were identified as victims of trafficking for sexual exploitation, one as a direct victim of trafficking in persons and two as victims of trafficking in persons for domestic servitude.

Furthermore, the Committee notes that, in its report on the application of the Forced Labour Convention, 1930 (No. 29), the Government indicates that once a person's situation as a trafficking victim is detected or brought to light, there is immediate coordination with the Office for Assistance and Protection for Crime Victims under the Public Prosecutor's Office (OAPVD), in order for the office to provide the necessary care and protection services for trafficking victims.

The Committee also notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), in its concluding observations, noted with concern: (1) that the country is a country of origin, transit and destination for trafficking in persons, in particular women and girls, for purposes of sexual exploitation and forced labour, and that there is a heightened risk of sex trafficking for Indigenous, Afrodescendent and migrant women and girls in the Pacific coastal zones; and (2) the prevalence of child sex tourism in the State party (CEDAW/C/CRI/CO/8, 2 March 2023, paragraph 25). ***In these circumstances, while noting this information, the Committee requests the Government to make every possible effort to prevent children from being victims of trafficking and commercial sexual exploitation. In this respect, it requests the Government to continue to provide information on: (i) time-bound measures taken to prevent children from being victims of trafficking and commercial sexual exploitation, and to remove them from such situations so they can be rehabilitated and socially integrated; and (ii) the results achieved, in terms of the number of children who have been identified, removed, rehabilitated and socially integrated.***

Clauses (a) and (c). Preventing children from becoming engaged in the worst forms of child labour and ensuring access to free basic education for all children removed from the worst forms of child labour. The Committee notes the Government's indication that: (1) the Ministry of Labour and Social Security (MTSS), through a cooperation agreement with the Joint Social Assistance Institute (IMAS), has granted conditional monetary transfers to over 1,400 children under 15 years identified in situations of child labour, to ensure that they remain in education (532 in 2021, 532 in 2022 and 412 in 2023); and (2) between 2023 and 2024, IMAS processed 2,120 conditional monetary transfers to facilitate children's access to *Casas de la Alegría* [Happiness Homes], care centres that take in children while their parents are working in agricultural harvesting.

The Committee also notes the observations of the UCCAEP, which indicate that it signed an agreement with the Ministry of Public Education to promote the "Adopt a School" programme. This programme seeks to identify schools in the country most in need of infrastructure, connectivity, classroom furniture and equipment, with a view to obtaining support from the private business sector. The Committee also notes that the CTRN and the CMTC allege that between 2022 and 2023 the Government reduced the education budget and grants, which may lead to school drop-out by the most vulnerable children. In this respect, the Committee notes that the 2023 annual UNICEF report indicates that the reduction in social and public investment affected certain child protection and education programmes being provided for vulnerable children.

The Committee notes that, according to the Costa Rica country profile under UNESCO's Information System for Education Trends in Latin America (SITEAL), in 2021: (1) the primary school adjusted net enrolment rate was 99.4 per cent for boys and 99.5 per cent for girls; and (2) the lower secondary school adjusted net enrolment rate was 68.4 per cent for boys and 72.9 per cent for girls (an increase compared with 2020, where enrolment rates were 66 and 68.4 per cent for boys and girls respectively). The Committee recalls that education plays a fundamental role in preventing the engagement of children in the worst forms of child labour. ***The Committee therefore requests the Government to continue its efforts to improve access to free basic education for all children, including the most vulnerable, to prevent them from falling into the worst forms of child labour. In this respect, it requests the Government to continue to provide information on: (i) the specific measures adopted to ensure that all children have access to free basic education, including at lower secondary level; and (ii) the results achieved, especially the statistics, in terms of trends in school enrolment, attendance and completion rates at primary and lower secondary levels, as well as the school drop-out rate, including for the most vulnerable children.***

The Committee is raising other matters in a request addressed directly to the Government.

Côte d'Ivoire

Minimum Age Convention, 1973 (No. 138) (ratification: 2003)

Previous comment

Article 1 of the Convention. National policy and application of the Convention in practice. In its previous comments, the Committee noted with concern the high number of children under the minimum age for admission to work of 14 years that were engaged in work, particularly under hazardous conditions. It requested the Government to provide statistical data related to the nature, extent and trends of work by children and young persons under the minimum age specified by the Government when it ratified the Convention, and extracts from the reports of the inspection services.

The Committee takes due note of the information in the Government's report, according to which the observation and monitoring system for child labour in Côte d'Ivoire (SOSTECI), under the coordination of the Ministry of Employment and Social Protection, which is in place in 111 departments, 42 sub-prefectures and 304 villages in Côte d'Ivoire, achieved inter alia: (1) the adoption of an "African

Standard 1000 for sustainable cocoa" (ARS1000), which sets out the specific criteria for respecting workers' rights; (2) the adoption and implementation of the strategy for sustainable cocoa farming, which is based on three main pillars, of which one is combating child labour; and (3) the establishment of a national traceability system which makes it possible to determine the origin of coffee and cocoa products at each level of the marketing circuit.

The Committee notes that the statistical data relative to the nature, extent and trends of work by children and young persons under the minimum age of 14 years and the extracts from the reports of the inspection services are under consolidation. ***The Committee requests the Government to intensify its efforts to ensure the progressive elimination of child labour in the country. It further requests the Government to continue to provide information on the application of the Convention in practice, especially information gathered by the SOSTECI. It again requests the Government to provide information on the statistical data related to the nature, extent and trends of work by children and young persons, and extracts from the reports of the inspection services.***

Articles 6 and 7. Apprenticeships and light work In its previous comments, the Committee observed a divergence within the legislation of Côte d'Ivoire: while section 23(2) of the new Labour Code (Act No. 2015-532 of 2015) sets the age of apprenticeship at 14 years, section 3 of Decree No. 96-204 of 7 March 1996 on night work, allows children under 14 years of age to be admitted to apprenticeship or pre-vocational training, provided they are not engaged in work during the period defined as night work, or, as a general rule, during the period of 15 consecutive hours between 5 p.m. and 8 a.m.

The Committee notes from the Government's report that the draft revision of Decree No. 96-204 of 7 March 1996 is ongoing, with a view to aligning it with the new Labour Code and setting the age of entry to apprenticeship at 14 years in all the national legislation. ***The Committee once again hopes that the Government will take the necessary measures as soon as possible to bring Decree No. 96-204 of 1996 into conformity with the Convention and thus set the age of entry to apprenticeship at 14 years. It requests the Government to provide information in this regard.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2003)

Previous comment

Articles 3(a) and 7(1) of the Convention. Sale and trafficking of children and penalties. In its previous comments, the Committee requested the Government to provide statistics on the number and nature of violations reported, investigations conducted, prosecutions engaged, convictions handed down and criminal penalties imposed in the context of cases involving child trafficking.

The Committee notes the information provided by the Government in its report that a total of 603 arrests have been made for participation in trafficking activities, exploitation of children and child labour, in respect of 1,857 rescued victims. Moreover, a total of 277 arrests (44 women and 233 men) were made for exploitation of begging, concerning 472 children without fixed abode or begging (162 girls and 310 boys) taken off the street.

However, the Committee notes the absence of statistical information regarding convictions and penalties imposed in cases of child trafficking. In this connection, the Committee recalls that under *Article 7(1)*, each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions. ***The Committee once again encourages the Government to redouble its efforts to strengthen the capacity of law enforcement bodies to ensure that all persons who commit child trafficking acts are investigated and prosecuted and that sufficiently effective and dissuasive penalties are imposed. It also requests the Government to communicate updated statistics on the number and nature of violations reported, investigations and prosecutions carried out, convictions handed down and the criminal penalties imposed in cases involving child trafficking.***

Articles 3(d) and 7(2)(a) and (b). Hazardous work, preventing children from being engaged in and removing them from the worst forms of child labour. Children in agriculture, in particular the cocoa sector. The Committee notes the information provided by the Government, according to which it is taking the following steps: the adoption of African Standard "1,000 for sustainable cocoa", defining specific criteria for respecting workers' rights, and the adoption and implementation of a strategy for sustainable cocoa production, based on three main pillars, including the fight against child labour.

The Committee further notes the Government's indication that the evaluation of the National Plan of Action to Combat the Worst Forms of Child Labour (PAN-PFTE), the consolidation of data collected by the Child Labour Monitoring and Remediation System (SSRTE), and the drafting of the corresponding report, are being finalized.

The Committee also notes the information published on the ILO web page regarding the joint United Nations programme entitled *Ensemble pour agir sur les causes profondes du travail des enfants dans la Nawa* ("Taking action together on the deep causes of child labour in the Nawa region") (ENACTE) 2022–2026, which aims at strengthening the protection of children facing the risks linked to the worst forms of child labour in the region. The programme supports implementation of the PAN-PFTE, as well as the National Strategy for sustainable cocoa production in Côte d'Ivoire and mobilizes the regional coordination mechanism through the committees of the observation and monitoring system for child labour in Côte d'Ivoire (SOSTECI).

Moreover, the Committee notes the information contained in the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/57/46/Add.2, June 2024, paragraphs 13 and 17), according to which progress was achieved in the prevention and repression of child labour in the cocoa sector, in particular the adoption of the National Strategy for Sustainable Cocoa Farming in 2022, which covers all actors of the sector and aims to eliminate the worst forms of child labour by 2025. In this regard, the Rapporteur indicates that 500 billion CFA francs have been allocated for these measures. ***The Committee requests the Government to continue to take measures within the framework of the PAN-PFTE to remove children from hazardous work in cocoa farming, rehabilitate them and socially integrate them. In this regard, the Committee requests the Government to provide information on the measures taken in the context of the National Strategy for Sustainable Cocoa farming and of the ENACTE project 2022–2026. Finally, the Committee requests the Government to take the necessary measures to make available up-to-date SSRTE statistical data on the number of children engaged in this worst form of child labour, if possible disaggregated by age and sex.***

The Committee is raising other matters in a request addressed directly to the Government.

Democratic Republic of the Congo

Minimum Age Convention, 1973 (No. 138) (ratification: 2001)

Previous comment

Article 1 of the Convention. National policy and application of the Convention in practice. Further to its previous comments, the Committee takes due note of the Government's information, in its report, according to which, since November 2022, it is one of the Pathfinder countries for Alliance 8.7. In this context, the Government indicates that a total of 5,034 children (2,858 boys and 2,176 girls) were identified and registered during a pilot project being carried out in Haut Katanga and Lualaba provinces, in ten mining sites. In 2024, in Lualaba province, a total of 1,145 girls and 1,004 boys aged from 5 to 7 years, 452 girls and 511 boys aged from 8 to 13 years, and 574 girls and 839 boys aged from 14 to 17 years were identified, with a view to their reintegration into school or work.

The Committee also notes the information on the website of the Global Accelerator on Jobs and Social Protection for Just Transition, led by the ILO, that the Democratic Republic of the Congo joined

the Global Accelerator in April 2024 in the context of the Decent Work Country Programme (DWCP) 2021–24.

The Committee also notes the adoption of Decree No. 22/36 of 20 October 2022 on the organization and functioning of the National Council for Children, with a view to ensuring the implementation of the governmental policy on the promotion and protection of the rights of the child.

However, the Committee notes, from the 2021 UNICEF report on child protection and combating violence in the DRC, that: (1) 15 per cent of children from 5 to 17 years are engaged in child labour (with children aged 5 to 14 the most affected); (2) 13 per cent of children from 5 to 11 years are involved in economic activities and 6 per cent in domestic tasks; (3) 14 per cent of children from 12 to 14 years are involved in domestic tasks and 3 per cent in economic activities; and (4) 12 per cent of children work in urban areas compared to 17 per cent in rural areas. While noting the measures taken by the Government, the Committee expresses its ***deep concern*** at the number of children exposed to child labour. ***The Committee requests the Government to continue its efforts to ensure the progressive elimination of child labour. It requests the Government to provide information on the progress made, particularly within Alliance 8.7 and the DWCP 2021–24. In this regard, it requests the Government to provide statistics, disaggregated by sex and age, on the employment of children and young persons.***

Article 2(1). Scope of application and labour inspection. Further to its previous comments, the Committee notes the Government's indication that a task force was created within the framework of the project of support for progress in labour standards in the Democratic Republic of the Congo (SPNT) 2022–25, in collaboration with the ILO and the United States Department of Labor. This task force is made up of 11 labour inspectors (eight men and three women) who received training pertaining to the construction sector and formal enterprises, and who also participated in the planning and implementation of a monitoring policy for the construction sector. In this regard, the Government indicates that these specialized inspectors in turn trained 113 inspectors on the construction sector and formal enterprises and that, through the SPNT project, training was also carried out for employers' and workers' organizations on international labour standards and self-assessments were conducted in the labour courts, among others.

The Committee also notes the Government's indication that sectoral labour inspection procedures have been developed with the support of the International Bureau for Children's Rights, with a view to improving the identification of situations of economic or sexual exploitation in the informal sector. ***The Committee requests the Government to continue taking measures to adapt and reinforce labour inspection services to guarantee the supervision of child labour and ensure that all children enjoy the protection afforded by the Convention, including those who work in the informal economy. The Committee requests the Government to provide information on the application in practice of the sectoral labour inspection procedures with a view to improving the identification of situations of economic or sexual exploitation in the informal sector. In addition, it requests the Government to provide information on the results of the activities of the above-mentioned task force and of the inspectors who have been recently trained in child labour.***

Article 2(3). Age of completion of compulsory schooling. Further to its previous comments, the Committee notes the Government's indication that, since 2019, the implementation of the policy of free education has allowed for the integration into the education system of over 4 million children who have not reached the minimum age of 14 years for admission to employment or work.

In addition, the Committee notes the Government's indication that, in the context of the Project for the Alternative Welfare of Children and Youth Involved in the Cobalt Supply Chain Project (PABEA-Cobalt): (1) in 2022–23, a total of 8,254 out of 14,850 children were identified for the above project, 3,284 of whom (1,467 girls and 1,817 boys) from Haut Katanga province and 4,970 (2,173 girls and 2,797 boys) from Lualaba province; and (2) in 2023–24, a total of 9,016 children (4,434 girls and 4,582 boys) received direct social care, 3,777 of whom from Haut Katanga and 5,239 from Lualaba. ***In***

view of the fact that compulsory education is one of the most effective means of combating child labour, the Committee requests the Government to continue its efforts to ensure the entry into the education system of children who have not reached the minimum age of 14 years for admission to employment or work. It requests the Government to continue providing information on the specific measures taken or envisaged in this regard.

Article 3(3). Admission to hazardous work from the age of 16 years. In its previous comments, the Committee noted that the Government planned to supplement the provisions of Ministerial Order No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008, establishing conditions of work for children, in such a way as to bring the regulations on admission to hazardous work from the age of 16 years into line with *Article 3(3)* of the Convention.

The Committee notes with ***regret*** that the Government has not responded to its previous comment. In this respect, the Committee notes, from the 2021 UNICEF report on child protection and combating violence in the DRC, that, in practice, 13 per cent of children aged 5 to 17 years work in hazardous conditions. The Committee recalls that the flexibility clause established in *Article 3(3)* of the Convention allows the competent authority to authorize hazardous work from the age of 16 years only if the following requirements are met: (1) prior consultation is held with the employers' and workers' organizations; (2) the health, safety and morals of the young persons concerned are fully protected; and (3) the young persons in question have received adequate specific instruction or vocational training in the relevant branch of activity. ***The Committee once again urges the Government to take the necessary regulatory measures to ensure that the performance of hazardous work by young persons between 16 and 18 years of age is authorized only if the requirements of Article 3(3) of the Convention are met.***

Article 7. Light work. In its previous comments, the Committee noted that section 17 of Order No. 12/CAB.MIN/TPSI/045/08 contains a list of light and healthy types of work authorized for children under 18 years of age but does not set a minimum age from which children may perform light work or establish the conditions under which light work may be performed. The Committee once again requested that the Government take the necessary steps to ensure that the types of work referred to in section 17 of the Order No. 12/CAB.MIN/TPSI/045/08 are authorized only for children who are at least 12 years of age, provided that the requirements set out in *Article 7(1)* and *(4)* of the Convention are met.

The Committee notes the Government's information that section 17 of Order No. 12/CAB.MIN/TPSI/045/08 will be submitted to the forthcoming National Labour Council to examine the terms that ensure that the types of work referred to in this section are authorized only for children who are at least 12 years of age. The Committee once again reminds the Government that *Article 7(1)* and *(4)* of the Convention is a flexibility clause under which national laws or regulations may permit the employment of children between 12 and 14 years of age in light work, or the performance by these children of such work, provided that it is: (1) not likely to be harmful to their health or development; and (2) not such as to prejudice their attendance at school, their participation in vocational guidance or training programmes approved by the competent authority, or their capacity to benefit from the instruction received. ***The Committee once again requests that the Government take the necessary steps to ensure that the types of work referred to in section 17 of Order No. 12/CAB.MIN/TPSI/045/08 are authorized only for children who are at least 12 years of age, provided that the requirements set out in Article 7(1) and (4) of the Convention are met.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

Articles 3 and 7(1) of the Convention. Worst forms of child labour and penalties. Clause(a). All forms of slavery or practices similar to slavery. Forced recruitment of children for use in armed conflict. In its previous comments, the Committee expressed its deep concern at the persistent use and recruitment of children in armed conflict.

The Committee notes the information of 4 July 2023 on the website of the communications department of the Disarmament, Demobilization, Community Recovery and Stabilization Programme (P-DDRCS) that between 2022 and 2023 an interprovincial workshop was held to perform a broad contextual analysis of the recruitment and use of children by armed forces and groups in five eastern provinces (North Kivu, South Kivu, Ituri, Tanganyika and Maniema).

The Committee also notes the Government's indication of the promulgation of Act No. 22/067 of December 2022, increasing penalties for trafficking in persons, and amending and supplementing the Decree of 30 January 1940 on the Congolese Criminal Code relating to the prevention and punishment of trafficking in persons.

The Committee also notes the information in the report of the Secretary-General of the United Nations General Assembly Security Council of June 2024, on children and armed conflict according to which: (1) a total of 1,861 children (1,535 boys and 326 girls) have been recruited and used by various armed groups; (2) a total of 281 cases of sexual violence (2 boys and 279 girls) committed by armed groups and armed forces have been reported, including 155 cases of rape, 50 cases of gang rape, 37 cases of sexual slavery and 37 cases of forced marriage; and (3) a total of 88 attacks on schools have been perpetrated by armed groups and armed forces and 41 schools have been used for military purposes by the armed forces. Furthermore, the Secretary-General stated his deep concern at the high number of grave violations against children, particularly by armed groups, and the new increase in grave violations, particularly the recruitment and use of children (A/78/842–S/2024/384, paragraphs 56–62).

The Committee notes with ***regret*** the absence of information in the Government's report on the investigations conducted and the prosecution of, and penalties imposed on, persons who recruit children under 18 years of age for use in armed conflict.

The Committee once again expresses its ***deep concern*** at the persistent recruitment and use of children in armed conflict in the Democratic Republic of the Congo, especially as this gives rise to other serious violations of the rights of the child, such as abductions, killings, sexual violence and attacks on schools. ***The Committee requests the Government to: (i) continue to take measures with the utmost urgency to proceed with the immediate and full demobilization of all children and put an end in practice to the forced recruitment of children under 18 years of age into armed groups and the armed forces and to continue to provide information on the results achieved; (ii) take immediate and effective measures to ensure that the thorough investigation and prosecution of persons who recruit children under 18 years of age for use in armed conflict are carried through, and that penalties constituting an effective deterrent are imposed in practice, pursuant to Act No. 09/001 of 10 January 2009; and (iii) provide information on the number of investigations conducted, prosecutions brought and convictions handed down with respect to such persons and the penalties imposed.***

Clauses (a) and (d). Forced or compulsory labour and hazardous work. Child labour in mines. In its previous comments, the Committee requested the Government to take the necessary steps to ensure the thorough investigation and effective prosecution of offenders who use children in mines, and that penalties constituting an effective deterrent are imposed in practice.

The Committee takes due note of the Government's information that a Child Labour Monitoring and Remediation System (SSRTE) has been set up under the project entitled Combating child labour in the Democratic Republic of the Congo's cobalt industry (COTECCO), in partnership with the ILO. In this regard, the Government indicates that local SSRTE implementation committees have been established to monitor cases of children carrying out hazardous work in mines and to refer them to service providers. Monitoring and data collection are carried out with the help of mobile phones.

The Committee takes due note of the information on the SSRTE website that the national and provincial authorities (in Lualaba and Haut Katanga) and all officials and agents of the State public service were trained in SSRTE management in Kinshasa and Kolwezi in 2022 and in Lubumbashi in 2023.

However, the Committee notes with ***regret*** the absence of information on the investigation and effective prosecution of persons who use children in mines, and the penalties duly imposed on them. ***The Committee once again requests the Government to take the necessary steps to ensure the thorough investigation and effective prosecution of offenders and to ensure that penalties constituting an effective deterrent are imposed in practice. The Committee also requests the Government to continue to provide information on the results achieved on the effective implementation of the measures taken to combat hazardous work for children in mining.***

Article 7(2). Effective and time-bound measures. Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from such work and ensuring their rehabilitation and social integration. Child soldiers. In its previous comments, the Committee requested the Government to take effective and time-bound measures to remove children from the armed forces and armed groups and ensure their rehabilitation and social integration.

The Committee notes the Government's information that, in the July 2023 report of the coordination team of the P-DDRCS, a total of 1,550 children associated with the armed forces and armed groups (1,215 boys and 335 girls) were identified and a total of 902 children were removed from the armed forces and armed groups (684 boys and 218 girls).

Furthermore, the Committee notes the Government's information that the annual report on trafficking in persons in the Democratic Republic of the Congo for 2023–24 states that in 2023, 412 child soldiers were freed from the hold of armed groups, demobilized and reintegrated into their communities, while receiving psychosocial support (7 children in Beni Nord-Kivu, 170 in Kalehe in South Kivu and 235 in Ituri). ***While noting the measures taken by the Government, the Committee requests it to pursue its efforts and continue to take effective and time-bound measures to remove children from the armed forces and armed groups, and to ensure their rehabilitation and social integration through the Ministry of Defence in the context of the Disarmament, Demobilization, Community Recovery and Stabilization Programme (P-DDRCS). The Committee also requests the Government to continue to provide statistical information, disaggregated by age and sex, on the number of child soldiers who have been removed from the armed forces and armed groups, and have been reintegrated with appropriate assistance for their rehabilitation and social integration. The Committee also requests the Government to communicate a copy of the annual report on trafficking in persons in the Democratic Republic of the Congo for 2023–2024.***

Children working in mines. The Committee notes the Government's information that rehabilitation and social integration measures were taken as part of the Support Project for alternative welfare of children and young people involved in the cobalt supply chain (PABEA-COBALT), including: (1) regarding psychological care, 1,683 children (799 girls and 884 boys) benefited from the setting-up of 32 counselling rooms (11 in Lualaba and 21 in Haut Katanga); (2) regarding health care, 2,247 children (1,139 girls and 1,108 boys) were provided health care in medical facilities, and 91 children (59 girls and 32 boys) were hospitalized; and (3) regarding reintegration into school, between 2023 and 2024, 9,016 school kits were given to children in the programme, distributed among 70 partner schools and 18 mining sites in the PABEA-COBALT intervention area. Several direct beneficiaries received vocational training and a total of 6,320 children (3,123 girls and 3,197 boys) in 92 schools were exempt from school fees.

The Committee notes the Government's information that in November 2022 it became one of the Pathfinder countries of Alliance 8.7, to end forced labour, modern slavery, human trafficking and child labour. In this regard, the Government indicates that 5,034 children were identified and registered during the pilot project led in Haut Katanga and Lualaba provinces on 78 mining sites. In 2024, in Lualaba province, 1,145 girls and 1,004 boys aged 5 to 7 years, 452 girls and 511 boys aged 8 to 13 years, and 574 girls and 839 boys aged 14 to 17 years were identified with a view to their reintegration into school or work.

Furthermore, the Committee notes from the ILO website that, in 2023, the 8.7 Accelerator Lab Initiative partnered with the COTECCO project to strengthen the impact of the private sector working groups in two key mining provinces in the country. ***The Committee requests the Government to continue its efforts to implement the various projects to combat hazardous work for children in mining. It requests the Government to continue to provide information on the results achieved in this regard, particularly within the framework of the Support Project for alternative welfare of children and young people involved in the cobalt supply chain (PABEA-COBALT) and the Combating child labour in the Democratic Republic of the Congo's cobalt industry (COTECCO) project.***

The Committee is raising other matters in a request addressed directly to the Government.

Djibouti

Minimum Age Convention, 1973 (No. 138) (ratification: 2005)

The Committee notes that the Government's report has not been received despite its urgent appeal in 2020. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report, due since 2017, has not been received. In the light of its urgent appeal to the Government in 2020, the Committee has proceeded with the examination of the application of the Convention on the basis of the information at its disposal.

Article 1 of the Convention. National policy for the effective abolition of child labour and application of the Convention in practice. The Committee previously requested the Government to take the necessary steps to ensure the effective implementation of the National Strategic Plan for Children (PSNED) in Djibouti and to provide information on the results achieved in the progressive elimination of child labour and the progress made in formulating a national policy to combat child labour.

The Committee notes the various legislative changes introduced by the Government between 2017 and 2021 with respect to child labour, such as: (i) Decree No. 2017-354/PR/MFF of 2 November 2017 amending Decree No. 2012-067/PR/MPF, on the establishment and organization of the National Children's Council (CNE). The CNE is the national supervisory body for the implementation of the PSNED which coordinates child protection actors by guiding and defining child rights policies; (ii) Law No. 66/AN/719/8ème L of 13 February 2020, on taking measures with a view to combating early school drop-outs, including among girls; (iii) Decree No. 2021-193/PR/MEFF of 3 August 2021 on the organization and operation of the National Council for the Rights of the Child (CNDE) in the Republic of Djibouti. The CNDE is the national supervisory body for the implementation of the National Policy for Children in Djibouti and is under the authority of the Prime Minister; and (iv) Decree No. 2021-194/PR/MEFF of 3 August 2021 on the establishment and organization of the National Child Protection Platform in the Republic of Djibouti.

The Committee notes that, in the context of the International Year for the Elimination of Child Labour, the Ministry of Labour and Industrial Relations has undertaken to develop an action plan to eliminate child labour in Djibouti. The three actions to be implemented are: (i) the establishment of a national committee, (ii) the identification of a national and international consultant to develop the plan; and (iii) the organization of a workshop to approve the plan. ***The Committee requests that the Government take the necessary measures for the development and adoption of the new action plan for the elimination of child labour in Djibouti. The Committee also requests the Government to provide information on the implementation of the policy of the CNE and the National Child Protection Platform.***

Article 2(1). Scope of application and labour inspection. The Committee previously requested the Government to take steps to ensure that the protection afforded by the Convention is secured to children under 16 years of age working in the informal economy, particularly by adapting and strengthening the labour inspectorate in order to improve the capacity of labour inspectors to identify cases of child labour. It requested the Government to provide information in this regard and on the results achieved. ***Noting the absence of information on this subject, the Committee reiterates its request to the Government to take steps to ensure that the protection afforded by the Convention is secured to children under 16 years of age working in the informal economy, particularly by adapting and strengthening the labour inspectorate in order to improve the capacity of labour inspectors to identify cases of child labour. It once again requests the Government to provide information on this subject and on the results achieved.***

Article 2(3). Age of completion of compulsory schooling. The Committee previously requested the Government to intensify its efforts to take measures that will ensure children's participation in compulsory basic schooling, or in an informal school system. In this respect, it requested the Government to provide information on the recent measures taken to increase the school attendance rate, so as to prevent children under 16 years of age from working, and recent statistics on the primary and secondary school enrolment rates in Djibouti.

The Committee takes due note that, according to its 2021 report to the Committee on the Elimination of Discrimination against Women, the Government indicates the different measures taken with regard to education, including: (i) the Education Action Plan 2017–2020 of the Ministry of National Education and Vocational Training, which was revised in 2018; (ii) the continuation of the Blueprint 2010–2019; (iii) the development of pre-school education in collaboration with the private sector, the community and the Ministry of Women and the Family, with a focus on children from poor communities and rural areas.

The Committee also notes that, according to the Government's indications in the Education Action Plan 2017–2020, the gross primary school attendance rate increased from 78.1 to 81.5 per cent between 2015 and 2016, while the gross enrolment rate for the first year of primary school rose from 71 to 80.5 per cent. However, the Government indicates that the gender parity index has not changed and that it is much lower in rural areas, thus highlighting strong disparities between girls and boys.

The Committee also notes in the same report that, according to the latest household survey carried out in 2017, around 16 per cent of children aged between 6 and 14 had never attended school or did not attend school that year, which represents one out of six children. This figure is higher than 30 per cent in the regions of Dikhil, Obock, Arta and Tadjourah. Furthermore, according to the Country Office Annual Report 2019 Djibouti of the United Nations Children's Fund (UNICEF), the school drop-out rate remains high, with a gross rate of secondary school attendance of 66 per cent. ***While noting the measures taken by the Government, the Committee requests the Government to intensify its efforts and take steps to enable all children under 16 years of age to attend compulsory basic education. The Committee also requests the Government to provide information on the results of the implementation of the Education Action Plan 2017–2020, as well as recent statistical data disaggregated by age, gender and region.***

Article 3(1) and (2). Age of admission to hazardous work and determination of hazardous types of work. The Committee previously recalled that, pursuant to section 111 of the Labour Code, an order was adopted at the proposal of the Minister of Labour and the Minister of Health, after consultation with the National Council for Labour, Employment and Social Security, which determined the nature of the work and the categories of enterprises prohibited for women, pregnant women and young people, and the applicable minimum age. The Committee requested the Government to adopt such an order on the types of work and enterprises prohibited for young people.

The Committee also notes that, according to the report by the Ministry of Health in October 2020 concerning staff management procedures (page 54) in the context of two projects financed by a loan from the World Bank, a list of hazardous types of work was established, which considered as hazardous for children "work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of children". Work activities prohibited for children include the following types of work: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, underwater, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

However, the Committee once again notes the lack of information from the Government on the order determining the nature of the work and the categories of enterprises prohibited for women, pregnant women and young people, and the applicable minimum age. ***The Committee once again requests the Government to take the necessary steps to ensure that the order determining the nature of the work and the categories of enterprise prohibited for young people under 18 years of age is adopted in the near future under section 111 of the Labour Code.***

The Committee reminds the Government that it may avail itself of ILO technical assistance in order to facilitate the application of the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2005)

The Committee notes that the Government's report has not been received despite its urgent appeal in 2020. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report, due since 2017, has not been received. In the light of the urgent appeal made to the Government in 2020, the Committee has proceeded with the examination of the application of the Convention on the basis of the information at its disposal.

Articles 3(b) and 7(2)(b)of the Convention. Worst forms of child labour and effective and time-bound measures. Use, procuring or offering of a child for prostitution and assistance for the removal of children from the worst forms of child labour. The Committee previously noted the concern expressed by the Committee on the Rights of the Child (CRC) at the high number of children, particularly girls, involved in prostitution and at the lack of facilities providing services for child victims of sexual exploitation. It requested the Government to take effective and time-bound measures to remove children from prostitution, and to ensure their rehabilitation and social integration. It also requested the Government to supply information on the progress achieved in this respect. ***Noting the absence of information on this matter, the Committee once again urges the Government to take effective and time-bound measures to remove children from prostitution, and to ensure the follow-up of their rehabilitation and social integration. It also requests the Government to supply information on the progress achieved in this respect.***

Articles 3(d) and 4(1). Hazardous work and determination of these types of work. ***With regard to the prohibition on employing children under 18 years of age in work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, as set out in Article 3(d) of the Convention, and also the adoption of a list of hazardous types of work, the Committee refers to its detailed comments relating to the Minimum Age Convention, 1973 (No. 138).***

Article 6. Programmes of action to eliminate the worst forms of child labour. The Committee previously requested the Government to take immediate and effective measures to ensure that the national plan of action for the elimination of the worst forms of child labour is formulated, adopted and implemented as soon as possible and to provide information on the progress made in this respect.

The Committee notes that, according to the National Strategic Plan for Children in Djibouti (PASNED), the adoption of a law defining and prohibiting the worst forms of child labour, and the preparation of a study on the worst forms of child labour are planned, as well as the implementation of awareness-raising campaigns on the issue. However, the Committee notes a lack of information on the activities carried out under the PASNED. It further notes a lack of information on the current status of the plan of action for the elimination of the worst forms of child labour. ***The Committee once again requests the Government to take immediate and effective measures to ensure that the national plan of action for the elimination of the worst forms of child labour is formulated, adopted and implemented as soon as possible and to provide information on the progress made in this respect. It also requests the Government to provide information on the results of the action planned under the PASNED with a view to eliminating the worst forms of child labour.***

Article 7(2)(d). Identifying children at special risk. 1. *HIV/AIDS orphans.* The Committee previously emphasized the increase in the number of HIV/AIDS orphans and recalled that such children are at greater risk of involvement in the worst forms of child labour. It requested the Government to supply information on the impact of the measures, policies and plans implemented to prevent the engagement of HIV/AIDS orphans in the worst forms of child labour, and on the results achieved.

The Committee notes that, according to the social protection assessment of January 2017, conducted by the Government with a view to developing the National Social Protection Strategy 2018–2022, there are several types of shelter institutions working with orphans. They provide a favourable environment for their development and progression, including school retention, access to technical training and the right to care

and leisure. There are also financial support activities and food distribution operations for specific groups such as orphans and vulnerable children, school-age girls in disadvantaged/rural areas and persons affected by HIV/AIDS. The Government has also established a "solidarity fund for orphans and children affected by HIV/AIDS".

The Committee also notes that, according to the PASNED, the activities planned include: (i) the development of minimum standards for care in institutions responsible for the care and education of orphaned and all other vulnerable children; (ii) the training and integration of young persons who are out of school, in difficult situations or in conflict with the law; and (iii) an analysis of the vulnerability of children, including child victims of HIV/AIDS. ***The Committee requests the Government to provide information on the impact of the measures, policies and plans implemented to ensure that HIV/AIDS orphans are protected from the worst forms of child labour, and on the results achieved.***

2. *Street children.* The Committee previously noted the Government's statement that most of the children living and working on the streets are of foreign origin and often work as beggars or shoe-shiners. The Committee requested the Government to take immediate and effective measures to protect them from the worst forms of child labour and ensure their rehabilitation and social reintegration, and also to provide information on the progress made in this respect.

The Committee notes that, in the PASNED report, one of the objectives is to develop and strengthen measures for the protection, care and integration of children in difficult situations, such as street children. However, the Committee notes that, according to the Government's periodic report in reply to the Committee on the Rights of the Child (CRC) (CRC/C/DJI/3-5) of 6 February 2019, it does not yet have statistical data on this group of children, emphasizing that food crises and emergencies and increasing poverty are mobilizing Government efforts and resources. The Government adds that the protection of the basic social rights of street children therefore continues to be ensured by non-governmental organizations.

The Committee notes that a study on street children was to be carried out in 2018 to provide information on the socio-demographic and economic circumstances and living conditions of street children in Djibouti, including: (i) providing an indication of the number of street children, disaggregated by gender, age and origin; (ii) analysing the living conditions, activities, income and expenditure, and family relationships of street children; and (iii) identifying the causes of the presence of children in the streets and their aspirations with regard to their situation. ***Recalling that street children are particularly exposed to the worst forms of child labour, the Committee once again urges the Government to take immediate and effective measures to protect them from the worst forms of child labour and ensure their rehabilitation and social integration, and also to provide information on the progress made in this respect. It also requests the Government to provide the results of the study on street children planned for 2018.***

Application of the Convention in practice. The Committee previously requested the Government to take steps to ensure the availability of statistics on the nature, extent and trends of the worst forms of child labour, disaggregated by age and gender, and on the number of children covered by the measures giving effect to the Convention. The Committee invited the Government to avail itself of ILO technical assistance to facilitate the implementation of the Convention.

The Committee notes Act No. 26/AN/18/8eme L of 27 February 2019, establishing the National Statistical Institute of Djibouti (INSD), which replaces the Directorate of Statistics and Demographic Studies. The INSD is responsible, inter alia, for: producing, analysing and disseminating official statistics; undertaking periodic or specific surveys of general interest in enterprises or households; and ensuring the dissemination and publication of studies and other statistical data. ***The Committee requests the Government to take measures to ensure the availability of statistics on the nature, extent and trends of the worst forms of child labour, disaggregated by age and gender, and on the number of children covered by the measures giving effect to the Convention.***

The Committee invites the Government to avail itself of ILO technical assistance in order to facilitate the application of the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Dominica

Minimum Age Convention, 1973 (No. 138) (ratification: 1983)

Previous comment

The Committee notes the joint observations of the Dominica Public Service Union (DSPU), the Dominica Amalgamated Workers Union (DAWU) and the Dominica Employers' Federation, received on 1 September 2024 and communicated with the Government's report.

Article 2(1) and (3) of the Convention. Minimum age for admission to employment and age of completion of compulsory schooling. Following its previous comments, the Committee notes that pursuant to the Employment of Women, Young Persons and Children Act, Chapter 90:06, no children under the age of 14 years can be employed in industrial undertakings, other than family undertakings (section 4), or on ships, other than those in which only members of the same family are employed (section 5). Section 5 of the Employment of Women, Young Persons and Children Act, Chapter 14:01 (Employment Act) permits employment from the age of 14 in certain sectors where family members are employed. However, the Committee recalls that sections 2 and 46(1) of the Education Act (No. 11 of 1997), mandate compulsory education for children between the ages of 5 and 16 years and prohibit their employment during the school year.

The Committee recalls that, upon ratification of the Convention, the Government specified a minimum age of 15 years for admission to employment or work. In this regard, the Committee reminds the Government that pursuant to *Article 2(3)* of the Convention, the minimum age specified should not be less than the age of completion of compulsory schooling. Furthermore, the Committee emphasizes the importance of linking the age of school completion with the minimum age for admission to work or employment. If the minimum age for admission to work (15 years of age) is lower than the age of school completion (16 years of age), children may be encouraged to leave school as children required to attend school may also be legally authorized to work (see the 2012 General Survey on the fundamental Conventions concerning rights at work, paragraph 370). ***The Committee therefore requests the Government to take the necessary measures to raise the minimum age for admission to employment or work from 15 to 16 years, in order to link this age with the age of completion of compulsory schooling, in conformity with Article 2(3) of the Convention.***

Article 3(1) and (2). Minimum age for admission to and determination of hazardous work. The Committee notes from the Government's report that Dominica has not yet established a minimum age for admission to hazardous work, as required under *Article 3(1)* of the Convention. The Committee reminds the Government that this provision stipulates that no person under the age of 18 may be employed in work that, by its nature or the conditions in which it is carried out, is likely to jeopardize the health, safety, or morals of young persons.

The Committee takes further note that the Government has not provided information on the adoption of a list of hazardous occupations prohibited for children under 18 years of age. Additionally, the Committee observes that the Government has not consulted the relevant employers' and workers' organizations, as reported in the observations of the Dominica Employers' Federation. In this regard, the Committee recalls that, under *Article 3(2)* of the Convention, the types of hazardous work must be determined by national laws or regulations, or by the competent authority, after consultation with the organizations of employers and workers concerned. ***Given that Dominica has ratified the Convention more than 30 years ago, the Committee urges the Government to take the necessary measures without delay to ensure that: (i) children can only undertake hazardous work from the age of 18 years, as required by Article 3(1) of the Convention; and (ii) a list of prohibited hazardous activities and occupations for persons under 18 years of age is adopted, after consultation with the organizations of employers and workers concerned, as required by Article 3(2) of the Convention. The Committee request the Government to provide information on the progress made in this regard.***

Article 7(1). Minimum age for admission to light work. Following its previous comments, the Committee notes the lack of information in the Government's report regarding any measures undertaken to align section 3 of the Employment of Children (Prohibition) Act, Chapter 90:05, with *Article 7(1)* of the Convention, concerning the minimum age for admission to light work. The Committee observes that: (1) section 3 of the Act permits a child to be employed in domestic work or agricultural work of a light nature at home by their parents or guardian; and (2) "child" is defined, in section 2, as a person who is under the age of 12 years. In this respect, the Committee recalls that *Article 7(1)* of the Convention only permits the employment or work of children who have reached the age of 13, and only under the condition that such work is not likely to be harmful to their health or development and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes or their capacity to benefit from the instruction received. ***The Committee therefore requests once again the Government to take the necessary measures to bring section 3 of the Employment of Children (Prohibition) Act in line with the Convention by permitting employment in light work only by children who have reached the age of 13 years, and only under the conditions required by Article 7(1) of the Convention.***

Article 7(3). Determination of types of light work activities. Light work during school vacations. Following its previous comments, the Committee notes the Government's information that section 46(3) of the Education Act prohibits the employment of children under 16 years of age during the school year but permits children over 14 years to be employed during vacation periods or if the employment is part of a school programme. The Committee further notes the Government's indication that there is a need for close monitoring, as children may still engage in part-time employment in various sectors, such as in the construction sector. While the Committee notes the Government's response, it ***regrets*** the absence of detailed information regarding the progress made in defining permissible light work for children over 14 years of age. ***The Committee therefore reiterates its request for the Government to provide information on the types of light work allowed, as well as the working hours and conditions under which such work may be performed.***

Article 9(3). Keeping of registers by employers. The Committee recalls its previous request to the Government to review section 8(1) of the Employment of Women, Young Persons and Children Act, which requires every employer in an industrial undertaking and every shipmaster to keep a register of all persons employed under the age of 16. The Committee recalls that *Article 9(3)* of the Convention requires employers to keep and make available registers for all working children under 18 years of age. ***In the absence of any updated information from the Government, the Committee reiterates its request for the Government to take the necessary steps to amend the relevant legislation as required by Article 9(3) of the Convention. The Committee once again requests the Government to provide information on any progress made in this regard.***

Labour inspection and application of the Convention in practice. ***In the absence of any updated information, the Committee reiterates its request for the Government to indicate whether the mandate of the national labour inspectorate has been expanded to cover child labour issues and, if so, to provide information on the activities undertaken by the national inspectorate in this area. This should include the number of labour inspections conducted, as well as the number and nature of violations detected.***

The Committee encourages the Government to take into consideration the Committee's comments on the discrepancies between national legislation and the Convention. The Committee reminds the Government of the possibility to avail itself of ILO technical assistance to bring its legislation into conformity with the Convention.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

The Committee notes the joint observations of the Dominica Public Service Union (DSPU), the Dominica Amalgamated Workers Union (DAWU) and the Dominica Employers' Federation, received on 1 September 2024, communicated with the Government's report.

Article 3 of the Convention. Worst forms of child labour. Clause (b). Use, procuring or offering of a child for the production of pornography or for pornographic performances. In its previous comments, the Committee requested the Government to take the necessary measures to ensure that the use, procuring or offering of a child under the age of 18 for the production of pornography or for pornographic performances is prohibited and subject to dissuasive sanctions. The Committee notes with ***regret*** the absence of information in the Government's report on actions taken in this regard.

The Committee therefore reiterates that, in accordance with *Articles 1* and *3(b)* of the Convention, the use, procuring or offering of a child for the production of pornography or for pornographic performances constitutes one of the worst forms of child labour prohibited to all children under the age of 18 and which must be eliminated as a matter of urgency. ***The Committee therefore urges the Government to take the necessary measures, without delay, to ensure that the use, procuring or offering of a child under 18 years of age for the production of pornography or for pornographic performances is prohibited in national legislation and subject to dissuasive sanctions.***

Clause (c). Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs. Following its previous comments, the Committee notes with ***regret*** that the Government's report does not address this issue. ***Therefore, the Committee reiterates its previous request and urges the Government to take immediate steps to ensure that the use of children in illicit activities, particularly in the production and trafficking of drugs, is explicitly prohibited by law and enforceable with stringent sanctions***. ***The Committee further requests the Government to provide detailed information on any progress made in this regard, including legislative measures, enforcement actions, and data on investigations, prosecutions, and penalties applied.***

Article 6. Programmes of action to eliminate the worst forms of child labour. Following its previous comments, the Committee notes that observations from the Dominica Employers' Federation indicate that the Government has not yet engaged in consultations with social partners regarding the application of the Convention. The Committee also notes with ***regret*** the absence of relevant information in the Government's report. In this regard, the Committee emphasizes that the Convention not only aims to prohibit the worst forms of child labour, but also to eliminate them entirely. While national legislation is a key tool for enforcement, the full implementation of the Convention requires substantial programmatic measures (see the 2012 General Survey on the fundamental Conventions, paragraph 438). ***The Committee therefore urges the Government to expedite its efforts to engage with the social partners and provide an update on the progress made in developing national programmes of action aimed at eliminating the worst forms of child labour. The Committee also requests detailed information on any actions taken or planned in this regard, including the outcomes of consultations with the social partners.***

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. Following its previous comments, the Committee notes from the Government's report that in accordance with national legislation, including the Education Act of 1997, children between the ages of 5 and 16 are granted free access to basic education. The Government further specifies that these provisions include pregnant teenagers and teenage mothers, who are allowed to continue their education up to the time of birth and return to school afterwards, provided they have not yet reached the age of 16.

The Committee further notes from the Government's report to the Working Group on the Universal Periodic Review of the Human Rights Council Resolutions (UPR) (A/HRC/WG.6/47/DMA/1, paragraphs 75–76), the establishment of the Education Sector Plan of the Commonwealth of Dominica 2020–2025 (the Plan), implemented by the Ministry of Education to improve the overall quality and efficiency of the education sector. The Plan, focused on gender disparity and climate resilience, defines the mission, vision and strategy of Dominica's education system. It includes a school safety net programme supporting special needs education, grants, uniforms textbooks, and feeding programmes.

The Committee also notes from the Global Partnership for Education (GPE) portal, the establishment of the Global Partnership for Education Compact (the Compact), implemented with the Ministry of Education, Human Resource Planning, Vocational Training, and National Excellence. In accordance with the Compact, Dominica's education system has advanced towards universal primary and secondary education and expanded early childhood education access. However, it acknowledges that further efforts are needed to ensure equity and improve quality across the curriculum. In this regard, the Compact, developed with input from educational stakeholders, aims to reform the education system by creating an inclusive and equitable curriculum, enhancing student achievement, retention, and inclusiveness, and aims to reduce inequalities by improving gender parity and strengthening educational quality and relevance.

The Committee notes from UNESCO's Institute for Statistics' Country Profile for Dominica, published in 2023, that there has been a decline in net enrolment rates for primary education, with rates falling from 96.2 per cent in 2020 to 82.2 per cent in 2022. Furthermore, the Committee notes from the National Report submitted to the Human Rights Council that for the 2023–24 school year, the Government stated that 5,496 students were enrolled in primary school, including 2,735 boys and 2,761 girls. Additionally, 4,400 students were enrolled in secondary schools, including 2,267 boys and 2,133 girls (A/HRC/WG.6/47/DMA/1, paragraph 74). ***While taking note of certain measures taken by the Government, the Committee requests it to continue its efforts to provide access to free basic education for all children. It further requests the Government to provide information on measures taken to improve enrolment and attendance rates at the primary and lower secondary education levels, including within the framework of the Education Sector Plan of the Commonwealth of Dominica 2020–2025 and the Global Partnership for Education Compact. Please provide updated statistics on net enrolment rates for both primary and secondary education, where possible disaggregated by age and sex.***

The Committee is raising other points in a request addressed directly to the Government.

Dominican Republic

Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) (ratification: 1973)

Previous comment

Articles 2(1) and 3(1) of the Convention. Thorough medical examination until 18 years of age. In its previous comments, the Committee noted that: (1) section 248 of the Labour Code provides that any child or young person under 16 years of age wishing to carry out work in any kind of enterprise must undergo a thorough medical examination; (2) sections 52 and 53 of Regulation No. 258-93 of 12 October 1993 provide that children or young persons who work shall be under medical supervision until they reach the age of 16 years, as provided for in section 17 of the Labour Code; and (3) since 2006, the Government has been urged to amend legislation to raise the age at which young workers must undergo such thorough medical examination from 16 to 18 years.

In this regard, the Committee notes from the Government's report that: (1) the discussions among the social partners to amend section 248 of the Labour Code, in accordance with *Article 2(1)* of the

Convention, have progressed by 90 per cent; and (2) no information has been provided on the measures envisaged to amend sections 52 and 53 of Regulation No. 258-93.

The Committee recalls that it has been raising this matter since 2006 and that the Government has been referring to the draft amendment of the Labour Code since 2012. The Committee therefore notes with ***regret*** the lack of progress in this regard. ***The Committee therefore urges the Government to take the necessary measures in order to: (i) make progress as soon as possible in the process of amending the Labour Code; and (ii) ensure that the necessary amendments are made to sections 52 and 53 of Regulation No. 258-93 to comply with the provisions of the Convention. This includes, in accordance with Articles 2(1) and 3(1) of the Convention, raising from 16 to 18 years the age at which young workers must undergo a medical examination for fitness for employment and be subject to medical supervision. The Committee also requests the Government to provide updated information on any progress made in this regard.***

Article 4(1). Medical examination and re-examinations for fitness for employment until at least the age of 21 years. The Committee recalls that, under section 53 of Regulation No. 258-93, only children and young persons under 16 years of age are currently required to undergo a medical examination, which must be repeated every year or every three months if the work involves risks to the health of the child or young person.

In this regard, the Committee notes with ***regret*** that the Government has once again failed to provide information on the possibility of amending Regulation No. 258-93. The Committee therefore once again reminds the Government that, under *Article 4(1)* of the Convention, in occupations which involve high health risks for children and young persons, medical examination and re-examinations for fitness for employment shall be required until *at least the age of 21 years*. ***The Committee therefore urges the Government to take the necessary measures to ensure that section 53 of Regulation No. 258-93 is amended to bring it into conformity with the Convention in this regard, so that, in occupations which involve health risks, medical examination and re-examinations for fitness for employment are required until at least the age of 21 years. The Committee once again requests the Government to provide information on progress made in this regard.***

Article 4(2). Specification of the occupations in which medical examination for fitness for employment shall be required until at least the age of 21 years. The Committee notes the adoption of Resolution No. 10-2023 of 13 November 2023 amending the list of hazardous and unhealthy work for children and young persons under 18 years of age and repealing Resolution No. 52-04 of 13 August 2004. While this legislative measure seeks to broaden the catalogue of occupations that may be hazardous and unhealthy for children and young persons under 18 years of age, the Committee notes with ***regret*** that the legislation does not specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment are required until at least the age of 21 years. ***The Committee therefore urges the Government to take the necessary measures to ensure that this matter is addressed during the process of amending the Labour Code and that the legislation is brought into conformity with the Convention. This requires labour legislation to specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment are required until at least the age of 21 years.***

The Committee encourages the Government to take into account the Committee's comments during the ongoing amendment of the Labour Code. The Committee reminds the Government that it may avail itself of ILO technical assistance in order to bring its legislation and practice into conformity with the Convention.

Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79) (ratification: 1953)

Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) (ratification: 1957)

In order to provide an overview of the issues relating to the application of ratified Conventions on night work of young persons, the Committee considers it appropriate to examine Conventions Nos 79 and 90 in a single comment.

Article 3(1) of Conventions Nos 79 and 90. Minimum age at which night work is prohibited. In its previous comment, the Committee noted that Act No. 338 of 29 May 1972 had amended section 224 of the Labour Code, bringing it into conformity with the provisions of the Conventions, including *Article 3(1)*.

The Committee notes that Act No. 16-92 of 29 May 1992 approving the Labour Code repealed Act No. 338 of 29 May 1972. In this regard, it notes that, under section 246 of the Labour Code of 1992, night work is prohibited only for workers under *16 years of age*, which is not in conformity with Conventions Nos 79 and 90. The Committee wishes to recall that, in accordance with *Article 3(1)* of Conventions Nos 79 and 90, the night work or employment of workers under *18 years of age* is prohibited. ***Noting, according to the Government, the ongoing amendment of the Labour Code, the Committee requests the Government to take the necessary measures to ensure that the amendment of the Labour Code complies with the relevant provisions of the Conventions, namely that section 246 of the Labour Code prohibits night work for all workers under 18 years of age. The Committee also requests the Government to provide information on progress made in this regard.***

Minimum Age Convention, 1973 (No. 138) (ratification: 1999)

Previous comment

Article 2(3) of the Convention. Age of completion of compulsory schooling. The Committee notes the Government's information, in its report, regarding the following measures to promote school attendance: (1) the education development and guidance programmes implemented by the Psychology and Counselling Department of the Ministry of Education (MINERD), in which families participate through the School Association of Parents, Carers and Friends (APMAE) and "Parents School", which includes initiatives such as "Changing families through school", "Epiphany" and "Parent skills"; and (2) school meal schemes, which include breakfast, lunch, snacks and school meal vouchers.

The Committee also notes the statistics of the Integrated System for Strategic Intelligence (SIIE) for the 2022–23 academic year, showing that: (1) the number of pupils enrolled was 2,587,965 (1,302,557 boys and 1,285,408 girls), mainly from urban areas (2,211,277 pupils) and the remainder in rural areas (376,688 pupils); and (2) of the overall enrolment rate, 202,936 pupils are in adult education. The Committee further notes that, over the same period, for full school days, the dropout rate in primary school was 2.6 per cent, and for pupils who went to school only in the mornings, the rate was 2.62 per cent.

The Committee also notes that, according to the 2023 annual report of the United Nations Children's Fund (UNICEF), 16 per cent of young people do not go to secondary school. ***Considering that compulsory education is one of the most effective means of combating child labour, the Committee requests the Government to continue to adopt measures to ensure, in practice, access to compulsory education for all children up to 14 years, paying special attention to regions in the country with a high level of absenteeism. The Committee also requests the Government to continue to provide updated statistical information on the rates of school enrolment, attendance and dropout, disaggregated by sex and age.***

Article 3. Hazardous work and admission to hazardous types of work from the age of 16 years. The Committee notes the adoption of Resolution No. 10-2023 amending the list of hazardous and unhealthy types of work for persons under 18 years of age of 2023, and of the derogating Resolution No. 52-04 of 2004. The Committee notes that Resolution No. 10-2023 extends the list of hazardous work prohibited to persons under 18 years. It notes, however, that section 3(1) of the Resolution authorizes persons under 18 years *(without specifying a minimum age)* to carry out certain prohibited activities where they are related to training programmes and internships, provided that: (1) safety and health protection is ensured; and (2) the work is performed under the management and supervision of a competent person from the training centre involved. The Committee recalls that *Article 3(3)* of the Convention allows young persons to carry out hazardous types of work from the age of *16 years* only on the condition that their health, safety and morals are fully protected, and that they have received adequate specific instruction or vocational training in the relevant branch of activity.

Furthermore, the Committee notes the Government's information regarding the organization of 471 awareness-raising workshops on this topic in 2023. It also notes that, in its concluding observations, the United Nations Committee on the Rights of the Child expressed its concern about the high number of children aged 14 to 17 who are engaged in hazardous work (CRC/C/DOM/CO/6, 18 October 2023, paragraph 40). ***The Committee therefore requests the Government to continue to take the necessary measures to ensure that the minimum age for exceptions to the prohibition of admission of young persons to hazardous work, established in section 3(1) of Resolution No. 10-23, is set at a minimum of 16 years, in order to comply with Article 3(3) of the Convention. The Committee also once again requests the Government to provide information on the application of Resolution No. 52-04 and its subsequent Resolution No. 10-23, including on the number and nature of violations concerning young persons in hazardous work and on the corresponding penalties imposed.***

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Articles 3(a) and (b) and 7(1) of the Convention. Worst forms of child labour and penalties. Sale and trafficking of children and commercial sexual exploitation. The Committee notes that, in its report, the Government: (1) reports that the Attorney-General's Office, through the Special Prosecutor's Office against Migrant Smuggling and Human Trafficking (PETT), in 2023 and 2024, continued to strengthen its capacities in victim identification and investigation into these crimes, in order gather evidence to prosecute the perpetrators and achieve meaningful convictions in the courts; (2) details many different training and awareness-raising activities for prevention and prosecution of the crime of trafficking in persons and migrant smuggling, aimed at building the capacities of the Public Prosecutor's Office and various groups of interest, such as social workers of the National Council for Children (CONANI); and (3) with regard to the judicial proceedings relating to child trafficking between January 2023 and May 2024, it reports that 16 cases were brought to trial, involving 21 accused and 44 victims.

The Committee also notes the 2023 Report of the Dominican Republic on Trafficking in Persons and Migrant Smuggling, drawn up by the Ministry of Foreign Affairs and the Inter-institutional Committee against Trafficking in Persons and Migrant Smuggling (CITIM). According to this report: (1) in May 2023, the Public Prosecutor's Office dismantled a network dedicated to trafficking in persons for sexual exploitation and arrested two men identified as ringleaders of the organization that was exploiting at least 15 young persons between 13 and 17 years of age; (2) the leader of an online network sexually exploiting young persons between 4 and 10 years of age was arrested and charged with sexual exploitation and child pornography, and psychological abuse of children and young persons; and (3) legal proceedings were initiated against a mother who exploited her daughter as well as one of the clients who used her daughter for sexual purposes.

While noting these measures, the Committee notes that the United Nations Committee on the Rights of the Child (CRC), in its concluding observations of 18 October 2023, expressed concern about the sexual exploitation of children in the context of tourism and travel, and the lack of effective responses, including the low number of judicial investigations and convictions (CRC/C/DOM/CO/6, paragraph 27). Reiterating that trafficking of children for commercial sexual exploitation continues to be an extensive problem in the country, particularly in the tourism sector, that is characterized by a high degree of impunity, the Committee once again notes with ***deep concern*** the low number of convictions in relation to the number of cases involving the trafficking and commercial sexual exploitation of minors.

The Committee firmly urges the Government to take all necessary steps without delay to ensure that the crime of the sale and trafficking of children and young persons for sexual exploitation are investigated, the perpetrators duly prosecuted and the appropriate penalties imposed. In this respect, it requests the Government to continue to provide information on the number of offences relating to the trafficking of young persons for commercial sexual exploitation that have been reported, the number of investigations and proceedings carried out, and the nature and number of penalties imposed.

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Commercial sexual exploitation of children in the tourism industry. The Committee notes the information provided by the Government with respect to the measures taken to prevent the commercial sexual exploitation of children in the tourism industry, highlighting: (1) activities to raise awareness of the commercial sexual exploitation of children in the tourist region of the Colonial City of Santo Domingo; (2) the implementation of a tripartite agreement among the Public Prosecutor's Office, the Ministry of Tourism and the Association of Hotels and Tourism of the Dominican Republic (ASONAHORES) with the purpose of joining efforts in combating the different manifestations of trafficking in the country's tourist areas; (3) training and continuous learning for members of the Tourist Police (POLITUR) for the protection of vulnerable populations, through active patrols in various tourist areas, aimed at preventing abuse that violates the fundamental rights of young persons; and (4) coordination among POLITUR, CONANI and the Public Prosecutor's Office in areas such as the Colonial City of Santo Domingo, Las Americas International Airport, and the beaches of Boca Chica and Sosúa in Puerto Plata.

The Committee also notes the detailed information provided by the Government regarding a series of police interventions carried out in collaboration with POLITUR and CONANI between 2022 and 2024, relating to dogwatch activities, intervention and rescuing of young persons in the country's tourist areas. The Committee notes that there is no mention of interventions by POLITUR to specifically prevent and end sex tourism in the country's tourist areas, except for a case reported in Puerto Plata in 2023. ***The Committee therefore requests the Government to continue its awareness-raising activities to prevent and combat the commercial sexual exploitation of children in the tourism industry. The Committee also once again requests the Government to provide information on: (i) the specific measures adopted in coordination with various actors in the tourism industry to combat the commercial sexual exploitation of children; and (ii) POLITUR's watchdog activities to protect children and young persons against commercial sexual exploitation in tourism-related activities.***

Clause (b). Direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Commercial sexual exploitation. The Committee notes that the Government indicates that there are complaints handling mechanisms for child victims of commercial sexual exploitation, as well as for their parents or guardians, including: (1) several free and confidential telephone hotlines that operate 24 hours a day; and (2) 36 liaison prosecutors under the Public Prosecutor's Office who are trained in this area and can receive any complaint and process in the particular way that is needed.

The Committee also notes that: (1) ten temporary shelters *(hogares de paso)* in the country guarantee the protection and rehabilitation of children and young persons through a multidisciplinary approach that covers various aspects (health, recreation, sport, meals, and psychoemotional and psychosocial support) aimed at reintegrating them into a nuclear family; (2) between January and November 2023, four girls and one boy were placed in temporary shelters due to commercial sexual exploitation; and (3) between January and December 2023, 35 child victims of commercial sexual exploitation were registered through regional and municipal offices. The Committee also notes that, according to information available on the official website of the Attorney-General's Office of the Dominican Republic, in 2024 the Public Prosecutor's Office intervened and assisted eight adolescent victims of commercial sexual exploitation, with the aim of restoring their rights and helping to rebuild their lives.

The Committee also notes that, according to the Government's report submitted to the Working Group on the Universal Periodic Review of the United Nations Human Rights Council, measures taken include the creation of a national system of shelters for victims of trafficking and publication of the Practical Guide for the Shelter and Reception of Victims of Trafficking, both designed to address the needs of different victim groups in a differentiated manner through a systematic and comprehensive approach to support and the provision of specialized services (A/HRC/WG.6/46/DOM/1,16 February 2024, paragraph 51). ***The Committee welcomes the measures adopted by the Government and requests it to continue to implement: (i) measures to guarantee free and accessible complaints mechanisms; and (ii) rehabilitation and social reintegration programmes for child victims of commercial sexual exploitation. The Committee also requests the Government to provide information on: (i) the number of child victims of commercial sexual exploitation who have been identified through the free hotlines; and (ii) the number of child victims of sexual exploitation referred to temporary shelters and regional and municipal offices, as well as the types of services provided for their rehabilitation and social reintegration.***

The Committee is raising another matter in a request addressed directly to the Government.

Ecuador

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

Previous comment

The Committee notes the observations of the Ecuadorian Confederation of Free Trade Unions (CEOSL) received on 10 September 2024.

Articles 1 and 9(1) of the Convention. National policy, penalties and application of the Convention in practice. The Committee notes the Government's indication in its report that: (1) Ministerial Agreement No. MIES-2023-012 approved the revision of the technical standard of the services for the elimination of child labour through the implementation of a national comprehensive intervention strategy; (2) the objective of this national strategy is to provide comprehensive care to children and adolescents involved in child labour, including hazardous activities; and (3) in 2024, assistance is envisaged for 12,160 children and adolescents in child labour situations. The Committee also notes that, according to the website of the Ministry of Labour, a Child Labour Risk Identification Model (MIRTI) has been developed with the support of the Latin America and the Caribbean Free of Child Labour Regional Initiative, the ILO and the Economic Commission for Latin America (ECLA). The model is a tool to help to identify the areas of the country most susceptible to child labour, with a view to defining where prevention efforts should be concentrated.

In addition, the Committee notes from the Government's seventh periodic report to the United Nations Committee on the Rights of the Child that: (1) 18,992 public officials, representatives of economic sectors and officials of municipal authorities have received training to raise their awareness

of the issue of child labour and hazardous adolescent labour; (2) technical assistance was provided to municipal decentralized autonomous governments on 617 occasions to help them implement public policies, ordinances, administrative decisions and road maps for protection, prevention and eradication efforts in the area of child labour; and (3) ongoing measures are being taken in cooperation with the Latin America and the Caribbean Free of Child Labour Regional Initiative, the ILO and the ECLA, to apply the methodology of the MIRTI in the country's 24 provinces (CRC/ECU/7, 13 February 2024, paragraphs 160–163).

The Committee notes with ***concern*** that in its observations, the CEOSL indicates that: (1) the rate of child labour rose from 9.2 per cent in 2020 to 13 per cent in 2021; (2) the rate of child labour in rural areas was 30.8 per cent while in urban areas it was at 3.1 per cent; and (3) while it appears that the rate of child labour has increased, the Government indicates that the courts of law have not handed down any convictions relating to the application of the Convention. ***The Committee requests the Government to redouble its efforts to: (i) combat child labour in the context of the implementation of its programmes and projects for the progressive elimination of child labour; and (ii) ensure that those who engage children in violation of the law are prosecuted and duly punished. In this respect, it requests the Government to provide information on: (i) the development of the Child Labour Risk Identification Model (MIRTI) and its application in the country's provinces; (ii) the implementation of the technical standard of the services for the elimination of child labour and its national comprehensive intervention strategy; (iii) measures taken to strengthen the labour inspection services to improve labour inspectors' capacities in identifying cases of child labour, including in the informal economy; and (iv) the number and nature of the contraventions found by labour inspectors and the penalties imposed in relation to child labour.***

Article 8(2). Artistic performances. With reference to its previous comments, the Committee notes with ***regret*** that, once again, the Government has not provided information in this respect. ***Recalling that it has been raising this issue with the Government since 2023, the Committee urges the Government to take the necessary measures to establish in legislation a system of individual permits for children under 15 years of age who work in activities such as artistic performances, and to limit the hours during which and prescribe the conditions in which such employment or work is allowed.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Articles 3(a) and (b) and 7(1) of the Convention. Worst forms of child labour and penalties. Sale and trafficking of children and use, procuring or offering of a child for the production of pornography or for pornographic performances. The Committee notes the information provided by the Government, in its report, that highlights various measures adopted to protect children and adolescents from trafficking, including: (1) the adoption of the Basic Act against trafficking in persons and smuggling of migrants of 16 February 2023, one of the aims of which is to strengthen State action in investigating and prosecuting trafficking offences; (2) strengthening the Registration System for Cases of Trafficking in Persons and Smuggling of Migrants (REGISTRATT) in accordance with the powers established in the Basic Act against trafficking in persons and the smuggling of migrants; (3) the development and implementation of the Action Plan against Trafficking in Persons 2019–2030; (4) strengthening the National Investigation Unit against Trafficking in Persons and the Smuggling of Migrants of the national police, which delivers decentralized services in Quito, Guayaquil, Cuenca and Machala to investigate and repress the offence of trafficking in persons; and (5) continuous training relating to trafficking in persons for public officials and private sector workers, those in civil society, academia, and security and law enforcement agents. The Committee notes this information. However, it ***regrets*** that the Government has not provided information previously requested on the prosecutions initiated, the convictions handed down and the penalties imposed as a result of investigations into trafficking of children for sexual exploitation or forced labour, which had been pending. ***The Committee therefore requests the Government to adopt***

the necessary measures to ensure the effective application of the Basic Comprehensive Penal Code and the Basic Act against trafficking in persons and the smuggling of migrants, particularly with respect to trafficking and commercial sexual exploitation of children. It also once again requests the Government to provide information on the number and nature of the violations found, investigations and proceedings conducted, and convictions and penalties imposed.

Articles 6 and 7(2). Programmes of action and effective and time-bound measures. Clause (d). Identifying and reaching out to children at special risk. Children in street situations. The Committee notes that the Government has not provided the information requested on the Monitoring and Evaluation System of the Action Plan against trafficking in persons 2019–2030 (PACTA), one objective of which is the elimination of hazardous work, begging and street situations of children and adolescents. It nonetheless notes the Government's information that: (1) the Child Labour Elimination Service provides comprehensive and specialized care to children and adolescents involved child labour through individual, family and community-level interventions. It also assists children aged 5 to 17 involved in hazardous work such as fishing, agriculture, mining, informal trade, recycling and begging; (2) in 2024, there are plans to assist 2,640 children, adolescents, older persons and persons with disabilities in a situation of begging, in 33 care units deployed throughout the country; and (3) the Campaign for the Prevention, Care and Protection of Persons involved in Begging and Child Labour is being carried out, aimed at raising awareness of the risks, hazards and rights violations to which persons in situations of begging, including children, are exposed. ***The Committee requests the Government to pursue its efforts to: (i) eliminate child labour and begging by children in street situations, including in the framework of the Monitoring and Evaluation System of the Action Plan against trafficking in persons 2019–2030 (PACTA); and (ii) protect children in street situations from the worst forms of child labour, and provide for their rehabilitation and social integration. It requests the Government to provide detailed information on the measures adopted to this end, including on the results achieved, particularly the number of children who have been removed from the streets and rehabilitated and socially integrated.***

Article 7(2). Effective and time-bound measures. Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from these forms of labour and ensuring their rehabilitation and social integration. Child trafficking. The Committee notes the Government's indication that: (1) the higher incidence of child trafficking in provinces such as Pichincha, Guayas and Manabi led to strengthening the investigative capacities of the Special Investigation Unit against Trafficking in Persons and Migrant Smuggling of the national police (UNAT) in these provinces; (2) the Child Labour Elimination Service provides quality specialized comprehensive care for children and adolescents in situations of child labour, including its worst forms, through ongoing individual, family and community-level interventions to restore rights that have been violated; (3) this intervention process for the restoration of rights is 18 months long, and may be extended to 24 months, further to an evaluation; it includes identification, analysis and intervention, and full delivery of public or private services for the health, education and recreational and extra-curricular activities of children and adolescents; (4) from 2022 to 2024, a total of 11 child victims of human trafficking for the purposes of child labour have been rescued; and (5) as part of the operationalization of the Inter-institutional Action Protocol for the Comprehensive Care and Protection of Victims of Trafficking, a total of 44 victims up to 17 years old were assisted by the special protection services of the Ministry of Economic and Social Inclusion (MIES), in the specialized institutional support units for victims of trafficking. ***The Committee requests the Government to pursue its efforts to combat child trafficking and adopt measures to protect those who are victims thereof. It also requests the Government to provide more detailed information on the number of children who have been freed from trafficking, rehabilitated and integrated into society, as well as the types of services they have received for their integration. Lastly, with a view to effectively combating this serious offence, the Committee requests the Government to investigate the root causes of the higher incidence of trafficking in children and adolescents in provinces such as Pichincha, Guayas and Manabi and to provide information in this respect.***

Clause (d). Identifying and reaching out to children at special risk. Children of indigenous peoples. With reference to its previous comment, the Committee ***regrets*** to note that the Government has not provided information on access to the bilingual education system. It also notes the concern expressed by the United Nations Special Rapporteur on extreme poverty and human rights, in his report on his visit to Ecuador in 2024, that in 2021, between 83 and 85 per cent of indigenous children were in multidimensional poverty, making them the most impoverished population group in the country (A/HRC/56/61/Add.2, 2 April 2024, paragraph 18). ***The Committee once again reminds the Government that indigenous children are more vulnerable to child labour and its worst forms and, therefore, it requests the Government to take the necessary and time-bound measures to protect them from these worst forms of labour. The Committee requests the Government to provide information on the measures taken in this regard and the results achieved. Recalling that education is fundamental in preventing the engagement of children in the worst forms of child labour, the Committee also requests the Government to provide information on the specific measures adopted to ensure access for these children to free basic education, especially to facilitate their access to the bilingual education system, and the results achieved.***

Article 8. International cooperation and assistance. Trafficking of children. The Committee notes the information provided by the Government that: (1) the Ministry of the Interior has strengthened the National Investigation Unit against Trafficking in Persons and Smuggling by reinforcing and decentralizing its services in border areas of the country (Guayaquil, Machala, Tulcan, Quito), which are responsible for profiling victims or possible victims of trafficking in persons; (2) following the tenth meeting of the Quito Process (an initiative of 13 Latin American countries to share information and coordinate a regional strategy to address the crisis of Venezuelan refugees and migrants), Protocols for the Assistance and Protection of Trafficking Victims were adopted, with the participation of delegations from Argentina, Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, Guyana, Mexico, Paraguay, Panama, Peru, the Dominican Republic and Uruguay; and (3) video-surveillance cameras with facial recognition have been set up on the northern border, which raise alerts when detecting possible victims or perpetrators of the offence of trafficking in persons in Tulcan. There are plans to set up the same system at the different points of border control.

The Committee also notes that according to the Government's seventh periodic report to the United Nations Committee on the Rights of the Child (CRC): (1) the Ministry of the Interior, with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR), has developed a methodology for the initial assessment of the trafficking and recruitment of children and adolescents by criminal groups and transnational criminal organizations; and (2) with the support of the Office of the Ombudsman of Colombia, the International Committee of the Red Cross and the Inter-Institutional Coordinating Committee for the Prevention of Trafficking in Persons and Smuggling of Migrants and for Victim Protection, it has provided comprehensive care to victims of these crimes, including their rescue, transfer and admission to shelters and the subsequent investigation (CRC/C/ECU/7, 13 February 2024, paragraph 178). While noting the Government's efforts, the Committee notes that it has not provided information on the specific measures to combat child trafficking or on the results of the above-mentioned measures. ***The Committee therefore requests the Government to continue to make efforts at the regional and international levels to combat child trafficking and to detect and intercept child victims of trafficking at the borders. In this respect, it once again requests the Government to provide information on: (i) the measures adopted in this respect, particularly to combat trafficking of children and adolescents; and (ii) the results achieved, including statistical data, on the number of children intercepted at the borders and returned to their countries of origin, disaggregated by sex, age and nationality.***

The Committee is raising other matters in a request addressed directly to the Government.

Ethiopia

Minimum Age Convention, 1973 (No. 138) (ratification: 1999)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1 of the Convention. National policy and application of the Convention in practice. The Committee previously noted that according to the 2015 Child Labour Survey results, the number of children aged 5–13 years engaged in child labour was estimated to be 13,139,991 with 41.7 per cent aged between 5 and 11 years.

In response to its previous comments concerning the measures undertaken for the elimination of child labour, the Committee notes the Government's information in its report that several policies and action plans for the elimination of child labour are in place notably, the National Social Protection Policy, the Education and Training Policy, the National Occupational Safety and Health Policy and the newly endorsed National Action Plan on the Elimination of the Worst Forms of Child Labour (NAP-WFCL) 2021-2022. The Government indicates that the Tripartite Steering Committee undertook the evaluation of the 2019-2020 national action plan implementation report and identified critical challenges and crafted remedial measures. In addition, a national Tripartite plus Steering Committee comprising the Federal Government agencies, employers' and workers' organizations and civic societies have been established to execute, follow-up, monitor and evaluate the NAP 2021-22.

The Committee further notes from the Government's report under the Worst Forms of Child Labour Convention, 1999 (No. 182) that a number of projects are being implemented in collaboration with CARE-Ethiopia, the Freedom Fund, the ILO-Ethiopia Office, the Confederation of Ethiopian Trade Unions (CETU), and GIZ (German Agency for International Cooperation for sustainable development) with the objective of preventing and reducing the prevalence of child labour in Ethiopia.

The Committee however notes from the UNICEF Policy Brief 2020: *Child labour and the Youth Market in Ethiopia* that despite several initiatives taken by the Government and civil society to combat child labour, the incidence of the phenomenon remains high in Ethiopia with approximately 43 per cent of children aged 5–17 engaged in child labour. The Committee further notes from the UNICEF report entitled *A Review of Child Sensitivity in Social Policies in Ethiopia*, December 2021 that a recent study on child poverty in Ethiopia estimates that 36 million of its 41 million children are multidimensionally poor. The impact of a rise in poverty and extreme poverty, coupled with social norms that normalize child labour to some extent, make households far more likely to resort to child labour to cope with job losses associated with COVID-19. While noting the measures taken by the Government, the Committee expresses its ***concern*** at the significant number of children who are involved in and are at risk of being involved in child labour. ***The Committee therefore urges the Government to intensify its efforts to address the situation of children engaged in child labour, and to ensure the progressive elimination of child labour. It requests the Government to provide specific information on the concrete measures taken in this regard, including within the framework of the NAP 2021-22 and the results achieved.***

Article 2(1). Scope of application and labour inspection. The Committee had previously noted that 89.4 per cent of the children engaged in child labour worked in the agricultural, forestry and fishing sectors and in wholesale and retail trade sector and the majority of children performing economic activities were working as unpaid family workers (95.6 per cent).

The Committee notes that the new Labour Law Proclamation No. 1156 of 2019, which prohibits the employment of children under 15 years, applies only to employment relations based on a contract of employment that exists between a worker and an employer (section 3). The Committee notes the Government's information that in order to monitor child labour in the informal economy, the newly structured labour administration body of the Ministry of Labour and Skills has developed a new strategy to complement the labour advisory services of the labour inspection system. Accordingly, MOU's were signed with key Ministries including the Ministry of Health and Agriculture which has access to all households in the informal sector and uses its extension worker service to create public awareness and to detect and inform cases of child labour to the law enforcement bodies. The Government also indicates that a complaint handling mechanism has been established for filing and responding to complaints about child labour. The labour inspection service closely works with the community police, trade unions, community-based

organization, women's associations, and non-governmental organizations to receive complaints and information related to child labour and exploitation. In addition, the labour inspection services have been enhanced by increasing the number of labour inspectors from 441 in 2019 to 637 in 2021 and their annual labour inspection visits raised from 39,000 in 2019 to 43,000 in 2021. Newly assigned labour inspectors were provided training on conducting inspections, particularly of child labour. Moreover, in coordination with the ILO Decent Work Country Programme, eight motor bikes and nine digital monitoring equipments were distributed to labour inspectors in six regions based on their activity. The Government indicates in its report under Convention No. 182 that in 2020 a total of 58,006 workplace inspections were carried out including inspections of child labour in enterprises. Investigation reports on 13,981 visited establishments notified that the minimum age for admission to employment (15 years) should be respected and strict screening mechanisms to determine the age of applicant need to be followed. ***The Committee requests the Government to continue to strengthen the functioning of the labour inspection system to enable it to effectively monitor and detect cases of child labour, including children working on their own account as well as in agriculture and the informal economy and to provide information on the measures taken in this regard. The Committee also requests the Government to provide statistical information on the number and nature of violations of child labour detected through the new strategy developed within the labour advisory services of the labour inspection system as well as the number of complaints related to child labour and exploitation received and handled by the Complaints Handling Mechanism within the labour inspection service.***

Article 2(2). Raising the minimum age for admission to employment or work. The Committee previously noted the Government's indication that the revised Labour Law raises the minimum working age limit of young persons from 14 to 15 years. The Committee accordingly notes with ***satisfaction*** that section 89(2) of the Labour Proclamation No. 1156 of 2019 prohibits the employment of persons under 15 years of age. ***The Committee once again requests the Government to consider the possibility of sending a new declaration under Article 2(2) of the Convention thereby notifying the Director-General of the ILO that it has raised the minimum age that it had previously specified.***

Article 2(3). Age of completion of compulsory schooling. With regard to its previous comments, concerning making education compulsory up to the minimum age of admission to employment, the Committee notes the Government's indication that it is currently engaged in drafting legislation and conducting public discussions on making primary education compulsory. The Committee also notes the Government's information that the Education Policy provides for free primary education and that the Government is committed to achieving universal and quality primary education for all school age children through various programmes, including the school feeding programme, provision of uniform and other educational materials for children, mobile schooling for children from pastoralist areas, and the expansion of school facilities and advocacy works. ***Recalling that compulsory education is one of the most effective means of combating child labour, the Committee expresses the firm hope that the Government will take the necessary measures to make education compulsory up to the minimum age for admission to employment or work in accordance with Article 2(3) of the Convention.***

Article 3. Determination of hazardous work. The Committee notes that the Government has not provided any information as requested by the Committee in its previous comments but indicates that the data will be collected from the regional and city labour inspection offices.

The Committee notes the Government's information that a new Directive No. 813/2021, restating the hazardous activities prohibited to young workers, has been issued in order to protect young workers from serious occupational injuries or damage to their health in the course of their work and that the federal and regional labour inspection service is currently enforcing this directive across the country. ***The Committee requests the Government to provide a copy of Directive No. 813 of 2021 and to provide information on its application in practice, indicating the number and nature of violations detected and penalties imposed.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2003)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 3(a) and 7(1) of the Convention. Worst forms of child labour and penalties. Sale and trafficking of children. In reply to its previous comments concerning the application in practice of the Ant-trafficking Proclamation No.909/2015, the Committee notes the Government's indication in its report that Proclamation No. 909 of 2015 has been repealed and replaced by a new Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation (Prevention and Suppression of TIP-SOP Proclamation No. 1178/2020). The Committee notes with ***interest*** the Government's statement that this new Proclamation is more efficient in crime prevention, holding perpetrators accountable, and contains provisions for protecting and rehabilitating victims. Moreover, it provides for undertaking activities that reach segments of society vulnerable to the crimes taking into consideration the age, sex and special needs of victims through facilitating international cooperation.

The Committee notes that section 4 of the Prevention and Suppression of TIP-SOP Proclamation No 1178/ 2020 makes it an aggravating circumstance if the victim of any of the crimes under this Act is a child and provides for a penalty of rigorous imprisonment from ten to twenty years and a fine from 30,000 to 100,000 Birr (approximately US$571 to US$1,905). Moreover, smuggling of a child is punishable with rigorous imprisonment from seven to fifteen years and fine from 20,000 to 100,000 Birr. Section 33 of the Prevention and Suppression of TIP-SOP Proclamation No 1178/2020 provides for the establishment of the National Council to coordinate the prevention and control of the crimes related to trafficking, smuggling and unlawful sending of persons abroad for work. However, the Government indicates that statistical information on the number and nature of offences, investigations, prosecutions and penal sanctions related to trafficking of children is impossible to find due to weak and irregular reporting system at all levels. ***The Committee urges the Government to strengthen its efforts to ensure the effective application of the Prevention and Suppression of TIP-SOP Proclamation No. 1178 of 2020 and to take the necessary measures to ensure that thorough investigations and prosecutions of persons who engage in the sale and trafficking of children are carried out and that effective and dissuasive penalties are imposed in practice. It requests the Government to take the necessary measures to collect data, including statistics on the number and nature of offences reported, investigations, prosecutions, convictions and penal sanctions imposed with regard to the trafficking of children under 18 years and to provide information in this regard.***

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Ensuring access to free basic education. The Committee notes that according to the UNICEF Ethiopia Humanitarian Situation report of June 2022, over 2.9 million children (17 per cent of the school age children) across Ethiopia remain out of school, including 2.53 million due to conflict and 401,000 due to drought. Almost 50 per cent of those out of school children are entering their third year without any access to learning, heightening the risk of a lost generation for children in northern Ethiopia. Based on school damage assessments in May, more than 8,660 schools across Ethiopia are fully or partially damaged, 70 per cent of which were in Afar, Amhara and Tigray due to the North Ethiopia conflict. The Committee also notes that the UNESCO estimates for 2020 indicates a net enrolment rate of 87.2 per cent at the primary level. ***While acknowledging the difficult situation prevailing in the country, the Committee urges the Government to take the necessary measures to improve the operation of the education system and to facilitate access to free basic education to all children, particularly in the zones affected by the conflict. It requests the Government to provide information on the concrete measures taken in this regard and the results achieved, in particular concerning the increase in school enrolment and completion rates and reduction in the school drop-out rates in primary and secondary education.***

Clauses (a) and (b). Prevention and direct assistance for the rehabilitation and social integration. Trafficking and commercial sexual exploitation of children. The Committee notes that sections 23 and 24 of the Prevention and Suppression of TIP-SOP Proclamation No 1178/2020 provides for the protection, rehabilitation and compensation of victims of trafficking. The Government indicates that the Ministry of Women and Social Affairs conducted awareness raising and advocacy programmes on prevention of trafficking to over 5.6 million people; conducted anti-trafficking community conversation sessions in 20,732 villages; and established 1,617 school anti-trafficking clubs to advocate and conduct peer education programmes.

The Committee notes that the Committee on the Elimination of Discrimination Against Women (CEDAW), in its concluding observations of 2019, expressed concern at the limited data on trafficking in women and girls and at the lack of data on the extent of exploitation of prostitution of women and girls in the State party; and at the lack of information on programmes implemented for the benefit and protection of women and girls who are victims of trafficking and exploitation of prostitution (CEDAW/C/ETH/CO/8, paragraph 25). ***The Committee urges the Government to take effective and time-bound measures to prevent children from becoming victims of trafficking and prostitution and to remove child victims from these worst forms of child labour and ensure their rehabilitation and social integration. It requests the Government to provide information on the protection and rehabilitation measures taken for child victims of trafficking pursuant to sections 23 and 24 of the Prevention and Suppression of TIP-SOP Proclamation No 1178/2020.***

Clause (d). Identifying and reaching out to children at special risk. 1. *Child orphans of HIV/AIDS and other vulnerable children (OVCs).* Following its previous comments, the Committee notes the Government's information that various guidelines to identify and reach out to children at special risk, in particular orphans and OVC were developed including: (i) Case Management guidelines; (ii) the Service Linkage and Referral guideline; (iii) the Urban Destitute Implementation Manual; (iv) the Service Provision Standard Guideline; and (v) the Care and Support Guideline for AIDS orphans. The Government indicates that the Federal HIV/AIDS Prevention and Control Office is the focal institution to nationally coordinate and guide the social protection support based on the implementation guidelines, especially to children orphaned by HIV/AIDS. Support for HIV/AIDS orphans are regularly assisted by funds to combat HIV, in addition to engaging families on income generating activities. It notes that the Ministry of Women and Social Affairs, in cooperation with relevant NGOs, civil society, religious and community-based organizations developed and implemented OVC care and support programmes in 2020–21 for an estimated 1,193,448 beneficiaries including children under difficult circumstances. During this period, 20,121 vulnerable children received institutional services and 3,883 children were integrated with their families. The Committee observes that, according to estimates made by UNAIDS in 2021, approximately 280,000 children aged 0 to 17 years are orphans due to HIV/AIDS in Ethiopia. ***Recalling that HIV/AIDS orphans and OVCs are at an increased risk of being engaged in the worst forms of child labour, the Committee urges the Government to continue its efforts to ensure that HIV/AIDS orphans and OVCs are protected from the worst forms of child labour. The Committee requests the Government to provide information on the specific measures taken in this respect and on the results achieved.***

Clause (e). Special situation of girls. Domestic work. The Committee previously noted that there were approximately 6,500–7,500 child domestic workers in Addis Ababa.

The Committee notes the Government's information that some preliminary studies conducted on domestic work revealed that child domestic workers are subjected to exploitation, with long working hours for minimal pay and modest shelter and food as well as vulnerability to physical and sexual abuse. Recognizing the situation of child domestic workers in major urban centres, the Confederation of Ethiopia Trade Unions (CETU) in collaboration with NGO's initiated a campaign to combat exploitative and abusive child domestic work and to ratify Convention No. 189 on domestic work. The Government also refers to section 3(c) of the Labour Proclamation No.1156 of 2019 which states that the Council of Ministers shall issue regulations governing conditions of work applicable to the domestic service. ***The Committee requests the Government to indicate whether any regulations on conditions of work for the domestic service have been issued pursuant to section 3(c) of the Labour Proclamation No 1156/2019 and, if so, whether such regulations have addressed or contemplate addressing child domestic workers. It requests the Government to take immediate and effective measures to protect child domestic workers, particularly girls, from engaging in exploitative domestic work, and to report on the efforts of the labour inspectorate in this regard. The Committee requests the Government to provide information on the effective and time-bound measures taken in this regard and on the results achieved.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Fiji

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2002)

The Committee takes note of the observations of the Fiji Trades Union Congress (FTUC), received on 2 September 2024. ***It requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 3(b) and 7(2)(b) and (e). Worst forms of child labour and effective and time-bound measures. Use, procuring or offering of a child for prostitution and direct assistance for their removal from prostitution and for their rehabilitation and social integration. Taking account of the special situation of girls. The Committee previously noted that prostitution of children was prevalent in the country and urged the Government to take effective and time-bound measures to remove children from this worst form of child labour, taking into account the special situation of girls. The Committee notes that the Government indicates in its report that one of the actionable items of the Measurement, Awareness-raising and policy engagement project (MAP16 Project) in Fiji is to empower law enforcement bodies to remove children from the worst forms of child labour and to strengthen mechanisms for investigation and prosecution. However, the Committee notes that the Government's report does not provide information on the effective and time-bound measures taken to remove and assist child victims of commercial sexual exploitation and their results. Moreover, the Committee observes that in its 2018 concluding observations for Fiji, the United Nations Committee on the Elimination of Discrimination against Women noted that the child prostitution industry in the country was growing (CEDAW/C/FJI/CO/5, paragraph 33). ***The Committee requests the Government to take all the necessary measures to ensure that thorough investigations and prosecutions are carried out for persons who engage in the use, procuring or offering of children for prostitution and that sufficiently effective and dissuasive sanctions are imposed. In this regard, the Committee requests the Government to provide information on the number of investigations, prosecutions and penalties imposed. Lastly, the Committee once again urges the Government to take effective and time-bound measures to remove children from prostitution, taking into account the special situation of girls, and to provide concrete information on the number of child victims that have been effectively rehabilitated and socially integrated.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Gambia

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

The Committee notes the detailed discussion that was held by the Committee on the Application of Standards (Conference Committee) at the 112th Session of the International Labour Conference (June 2024), regarding the application of the Convention by Gambia. It notes that the Conference Committee requested the Government to provide a detailed report on the measures taken to implement the recommendations it adopted on the occasion of the discussion before 1 September 2024.

The Committee also takes note of the observations of the International Organisation of Employers (IOE), received on 30 August 2024, which reiterate their comments made during the Conference Committee discussion and express the hope that progress will be made in the application of the Convention by Gambia, in line with the conclusions of the Conference Committee.

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 2(3) of the Convention. Compulsory education. In response to the Committee's previous request to indicate the legal provisions which provide for compulsory schooling, the Government indicates, in its report, that a provision setting an age of completion of compulsory schooling, aligned with the minimum age for admission to employment or work, will be introduced in the framework of the revision of the current

Children's Act, 2005. ***Considering that the Committee has been raising this issue since 2009, the Committee requests the Government to take measures to ensure that the revision of the Children's Act will introduce compulsory schooling up to the minimum age for admission to employment or work of 14 years, in compliance with Article 2(3) of the Convention. It requests the Government to provide information on the progress achieved in this respect.***

Article 6. Vocational training and apprenticeship. Following its previous comments, the Committee notes with ***regret*** the Government's indication that sections 78 and 79 of the Labour Bill, which regulate apprenticeships, remain silent regarding the minimum age for admission to apprenticeships. This means that the issue of the minimum age for admission to apprenticeships (currently 12 years of age in the informal economy by virtue of sections 50 and 51 of the Children's Act, 2005, and no minimum age for apprenticeships in the formal economy under the Labour Act, 2007) remains unresolved. The Government indicates that the National Steering Committee on Child Labour has made recommendations to raise, and provide for, a minimum age for apprenticeships, and that the age of admission to apprenticeship will be considered in the Labour Bill in parallel with the review of the Children's Act, with a view to aligning the provisions of the two laws. ***The Committee therefore once again requests the Government to take the necessary measures to ensure that a minimum age for admission to apprenticeships of at least 14 years, in both the formal and the informal economy, is established by law, in conformity with the Convention. The Committee requests the Government to provide information on the progress made in this regard.***

Article 7. Light work. In response to the Committee's previous request to determine the types of activities, number of hours and the conditions in which light work may be undertaken by children as of the age of 12, the Committee notes the Government's indication that the minimum age for light work will be raised to 14 years under both the Labour Bill and the Children's Bill, and that the types of activities, number of hours and conditions under which light work may be performed, will be integrated in these two bills. ***The Committee requests the Government to take the necessary measures to ensure that the new provisions regulating the minimum age for light work and determining the types of light work activities, the number of hours and the conditions in which light work may be undertaken by children, are adopted in the near future. It requests the Government to provide information on the progress made in this regard.***

Article 9(1). Penalties and labour inspectorate. In response to the Committee's previous observation that that the enforcement of the law remained a challenge in the country, and its request to strengthen the labour inspectorate to ensure the detection of cases of child labour, the Committee observes with ***concern*** that, according to the statistics communicated by the Government for the first quarter of 2022, the labour inspectorate conducted only seven inspections in the greater Banjul area and 28 inspections in the rest of the country, and that it did not conduct any inspections in the second quarter of 2022. In this regard, the Government indicates that the Inspectorate Unit of the Labour Department is severely understaffed and lacks material resources, including vehicles, and cannot therefore effectively carry out routine inspections. While the ILO has supported the training and continuous capacity-building of labour inspectors, the Government states that it requires more technical assistance. ***While taking note of the difficulties faced by the country in this regard, the Committee urges the Government to take the necessary measures to adapt and strengthen the labour inspection services and to ensure that labour inspectors have sufficient resources and adequate training on child labour issues in order to improve their capacity to detect cases of child labour. It requests the Government to provide information on the progress made in this regard and on the results achieved. It also requests the Government to continue providing information on the number and nature of violations recorded by labour inspectors in the course of their work involving children working below the minimum age for admission to employment, including those who are working on their own account or in the informal economy, and on the number and nature of penalties imposed.***

The Committee encourages the Government to take its comments into consideration during the ongoing review of the Labour Act, 2007, and of the Children's Act, 2005, and while taking measures to improve the capacity of the labour inspectorate. The Committee reminds the Government that it may avail itself of ILO technical assistance in order to bring its legislation and practice into conformity with the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Iraq

Minimum Age Convention, 1973 (No. 138) (ratification: 1985)

Previous comment

Article 1 of the Convention. National policy and application of the Convention in practice. The Committee notes that, according to the 2018 UNICEF-supported Multiple Indicator Cluster Survey (MICS6), 5 per cent of children aged 5–14 in Iraq were engaged in child labour, with higher rates among children living in low-income households and in rural areas. The percentage of child labour, when taking into consideration the 5–17 age group, increased to 7.3 per cent, with the rate of employment in hazardous conditions reaching 16 per cent in the 15–17 age group. Moreover, according to a UNICEF press release of 12 June 2022, child labour has been on the rise in Iraq in recent years due to armed conflict, displacement, socio-economic challenges, and the pandemic; and children were moved to remote learning, increasing the risk of dropping out of school and entering the workforce.

In this regard, the Committee notes that efforts have been made by the Government and social partners to address the needs of children, such as ensuring that families of working children have opportunities to access decent employment and strengthening the social protection system. Key to tackling child labour has been the development of an ILO-supported Child Labour Monitoring System (CLMS), which is funded by the European Regional Development and Protection Programme for Lebanon, Jordan and Iraq (RDPP II) and implemented by the Government of Iraq. The monitoring system identifies vulnerable children who are in or at risk of child labour and provides them with needed support and services. In addition, the RDPP II aims to support the development of a National Action Plan (NAP) against child labour, through the gathering of qualitative and quantitative data on child labour in Iraq. The Committee further notes, according to the Government's information in its report under the Worst Forms of Child Labour Convention, 1999 (No. 182), that it is implementing the Child Protection Policy (2020–25), which includes several activities and targets in the areas of protection, initial intervention, rehabilitation and the reintegration of children aimed at working children and their families, so as to reduce child labour. Such activities include: (1) giving priority to families with children to be included in social protection schemes; (2) undertaking an awareness-raising campaign on the hazards of child labour and its negative impact on society; and (3) preparing studies on child labour. While taking due note of certain measures taken by the Government, the Committee must note with ***deep concern*** the incidence of children involved in child labour, including in hazardous conditions.

The Committee urges the Government to continue to take measures to ensure the progressive elimination of child labour, including through the RDPP II and the Child Protection Policy (2020–25), and to provide information on the results achieved. It requests the Government to take the necessary measures to ensure that the NAP against child labour is adopted and effectively implemented, and to provide information on the progress made in this regard. It also requests the Government to provide information on the activities of the CLMS, particularly in relation to the number of children who have been identified as being at risk of, or engaged in, child labour, and who have been given support. It finally requests the Government to provide the results of any studies undertaken on child labour, including updated statistics, disaggregated by sex and age.

Article 2(1). Scope of application and labour inspection. Following its previous comments, the Committee observes that section 2 of the Labour Law of 2015 provides that the law aims to regulate labour relations between workers and employers, and that section 3 provides that its provisions shall apply to all workers in the Republic of Iraq. In this regard, the Committee notes the Government's indication, in its report, that the Labour Law applies only to the formal sector of the economy and does not cover the informal sector. The Committee notes that this includes section 7 which specifies the minimum age for admission to employment of 15 years.

The Committee notes the Government's information that the labour inspectors of the Inspection Unit are empowered to enforce the Labour Law, by virtue of section 127, and that 534 children and young persons were found to be employed in the labour market. The Government, however, does not provide information regarding the number of children under the age of 15 found working in the informal economy. In this regard, the Government reiterates, in its report under Convention No. 182, that the Child Welfare Authority has set up a joint committee consisting of the relevant departments in the Ministry of Labour and Social Affairs to carry out visits and monitor the phenomenon of child labour in the informal economy. Such field visits were carried out in industrial regions and in car repair workshops, as well as in waste assembly and sorting areas, and among children who collected cans and other substances.

The Committee recalls that all children, including those working in the informal economy, must benefit from the protection of the Convention, and requests the Government to strengthen its efforts to ensure that children under the minimum age are not involved in child labour in the informal economy. In this regard, the Committee requests the Government to consider applying the relevant provisions of the Labour Law to the informal economy, to ensure that all children, including those working in the informal economy, benefit from the protection of the Convention. The Committee also requests the Government to provide information on the number of children found to be working in the informal economy following the field visits of the joint committee set up by the Child Welfare Authority, as well as the measures taken to ensure the protection of the children identified. As for the formal sector of the economy, the Committee requests the Government to continue to provide information on the number of inspections on child labour carried out by the labour inspectors, as well as on the number and nature of violations detected and penalties applied.

Article 2(3). Age of completion of compulsory schooling. In its previous comments, the Committee took note of the Compulsory Education Act No. 118 of 1976 that establishes compulsory education from ages six to 12. The Committee notes the Government's indication that a committee responsible for the amendment of School Regulation No. 30 of 1987 and Compulsory Education Act No. 118 of 1976, including the extension of compulsory education to the middle phase (15 years), was set up pursuant to Ministerial Order No. 10824 of 16 June 2022. The Committee once again refers to the 2012 General Survey on the fundamental Conventions (paragraph 371) and recalls that, if compulsory schooling comes to an end before children are legally entitled to work, there may arise a vacuum which regrettably opens the door to the economic exploitation of children.

The Committee therefore once again urges the Government to take the necessary measures to extend compulsory education up to the minimum age for employment, which is 15 years. It requests the Government to provide information on any progress made in this regard.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

Articles 3(a) and 7(1) of the Convention. Worst forms of child labour and penalties. All forms of slavery and practices similar to slavery. Compulsory recruitment of children for use in armed conflict. The Committee notes with ***regret*** that the Government's report does not contain information on the Committee's previous request for information on the measures taken to ensure the adoption of the law prohibiting the recruitment of children under 18 years of age for use in armed conflict, nor on any investigations and prosecutions conducted of persons who have previously recruited children under 18 years of age for that purpose.

The Committee notes the Government's reference, in its report, to section 9(1)B of the Constitution, which prohibits the formation of military militias outside the framework of the armed forces. The Committee notes that, according to the report of the United Nations Secretary-General (UNSG) on children and armed conflict in Iraq of 26 January 2022, the recruitment and use of children

has decreased considerably, with the recruitment of one child of 15 years by the Popular Mobilization Forces being verified, as opposed to the 296 verified cases in the previous report (S/2022/46, paragraph 27). According to the report of the UNSG on children and armed conflict of 23 June 2022, no cases of the recruitment and use of children were verified during the reporting period, while the recruitment and use of one boy by Da'esh (in 2017) was verified in 2021 (A/76/871-S/2022/493, paragraph 70). Moreover, following her visit to the country in January 2024, the United Nations Special Representative of the Secretary-General for Children and Armed Conflict commended the progress made by the Iraqi Government on the protection of conflict-affected children and welcomed the signing, in March 2023, of the action plan to end and prevent the recruitment and use of children by the Popular Mobilization Forces.

The Committee welcomes the progress made by the Government to put a stop to the forced recruitment of children under 18 years of age into armed forces and armed groups, and requests it to continue providing information in this regard. To that end, it urges the Government to: (i) take the necessary measures to ensure that the law prohibiting the recruitment of children under 18 years of age for use in armed conflict is adopted, and ensure that the law establishes sufficiently effective and dissuasive penalties; and (ii) take immediate and effective measures to ensure the thorough investigation and prosecution of all persons, including members in the regular armed forces, who have previously recruited children under 18 years of age for use in armed conflict. It requests the Government to provide information on the number of convictions and penalties applied in this regard. Finally, the Committee requests the Government to provide information on the implementation of the action plan to end and prevent the recruitment and use of children by the Popular Mobilization Forces and other armed groups, and on the results achieved.

Article 7(2). Effective and time-bound measures. Clauses (a) and (c). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. The Committee notes with ***regret*** that the Government does not provide information on the results achieved through the projects and programmes aiming to provide access to basic education for all children, which the Committee took note of in its previous comments. It notes, from the 2022 UNICEF in Iraq Annual Report, that 28 per cent of girls and 15 per cent of boys of lower secondary school remain out of school, and 46 per cent of children do not complete lower secondary school.

The Committee notes, from the Annual Report, that the Government is taking many measures for education with the support of UNICEF. Among others, the "national vision for education" was consolidated through a draft education strategy supported by UNICEF and its partners, with a view to guiding national efforts to ensure that all children in Iraq have the opportunity to access quality education. In addition, four governorates developed education sector plans and four more updated their plans to guide education services and planning for children and address climate change impacts. Moreover, UNICEF brought more than 28,000 children excluded from learning, back into education, including children who were out of school, in humanitarian situations, suffered learning loss, or girls at risk of not transitioning to secondary school. In the Kurdistan Region of Iraq (KRI), the Refugee Education Integration Policy integrated refugee children into the public education system, while the "Back2Learning" campaign encouraged children to return to school in two Federal Iraq governorates.

The Committee also notes the Government's information regarding the new measures taken to improve access to free basic education. Among these are: (1) the expansion of informal education (accelerated and for young persons) for the purpose of educating children who have missed school or dropped out; (2) the adoption of the Law on Student Grants; (3) the adoption of the food programme for primary level students; and (4) the implementation of the pilot programme for conditional assistance, according to which a lump sum is allocated to children from poorer families to encourage the continuation of their education.

The Committee strongly encourages the Government to continue to take the necessary measures to improve access to free basic education for all children, particularly girls, children in rural areas and in areas affected by the conflict. It requests the Government to provide information on the results achieved through the implementation of projects adopted with UNICEF support, as well as of the social protection measures taken by the Government, particularly with respect to increasing the school enrolment and completion rates and reducing school drop-out rates so as to prevent the engagement of children in the worst forms of child labour.

Clause (b). Providing the necessary and appropriate assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Children in armed conflict. Following its previous comments, the Committee notes with ***deep concern*** that, according to the report of the UNSG on children and armed conflict in Iraq of 26 January 2022, a total of 1,091 children (1,048 boys and 43 girls) were held in detention by Iraqi security forces on national-security-related charges, including for their alleged association with armed groups, primarily Da'esh, compared with 778 children at the end of June 2019 (S/2022/46, paragraph 25). Most of the detained children were boys aged between 15 and 18 years; some children were as young as 9 years old. According to the report of the UNSG on children and armed conflict of 23 June 2022, the number of children detained on such charges represented an increase from the previous reporting period (A/76/871-S/2022/493, paragraph 79). The UNSG called for the release of these children to child protection actors and encouraged the Government to facilitate the reintegration of all children affected by armed conflict.

The Committee notes the Government's reiteration that a Supreme National Committee (SNC) was established to follow up on violations to which a child is exposed or deprived from his rights as a result of armed conflict. The SNC is currently working on a plan of action with the United Nations Assistance Mission for Iraq (UNAMI) to identify the obligations incumbent on both parties so as to take Iraq off the list of countries that violate children's rights, based on the reports of the UNSG for Children and Armed Conflict.

The Committee once again strongly urges the Government to take the necessary measures to ensure that children removed from armed groups are treated as victims rather than offenders. It once again urges the Government to take effective and time-bound measures to ensure that children who have been withdrawn from armed groups are rehabilitated and socially integrated. In this regard, it once again requests the Government to provide information on the activities of the Supreme National Committee and the results achieved, in terms of the number of children removed from armed groups and socially integrated.

The Committee is raising other matters in a request addressed directly to the Government.

Libya

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Article 3 of the Convention. Worst forms of child labour. Clause (a). All forms of slavery or practices similar to slavery. Sale and trafficking of children. Following its previous comments, the Committee notes the Government's indication, in its report, that the trafficking of children is prohibited in Libya through social and religious customs and traditions, as well as various provisions of the legislation, in particular sections 398 and 406 to 416 of the Penal Code. The Committee recalls that the provisions of Libyan legislation – including the Penal Code and the Order on prohibiting trafficking in Labour of 1969 – appear to only protect children from some forms of trafficking and do not constitute a complete prohibition. While the Order of 1969 applies only to trafficking for labour exploitation, the Penal Code applies only to the trafficking of girls/women for sexual exploitation in an international context. Therefore, internal child trafficking for sexual exploitation and the trafficking of boys for sexual

exploitation are not covered by law. The Committee notes that the Government indicates, in its report under the Forced Labour Convention, 1930 (No. 29), that a draft law on combating human trafficking was prepared that is both general and comprehensive.

However, the Committee notes with ***concern*** the various reports from United Nations sources that reveal that rampant human trafficking takes place in the country, particularly of migrants and including children. There are also reports that armed groups that have been implicated in allegations of trafficking, including of children, remain unaccountable (see for instance, a press release from the United Nations Human Rights Council, "Libya: Urgent action needed to remedy deteriorating human rights situation, UN Fact-Finding Mission warns in final report", 27 March 2023. See also the communication of 2 May 2023 by the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, presenting detailed evidence of trafficking of migrants, including children, with the purpose of exploiting them for ransom and for other types of exploitation such as enslavement, including sexual slavery).

The Committee therefore urges the Government to take the necessary measures to ensure that a comprehensive prohibition of all forms of trafficking of children, including internal trafficking as well as trafficking of all children, including boys, under the age of 18 years for the purpose of sexual exploitation, is adopted as a matter of urgency. In this regard, it requests the Government to provide information on the progress made in the adoption of the draft law on combating human trafficking, and to provide a copy once adopted. It also requests the Government to take measures to ensure that the perpetrators of child trafficking for labour or sexual exploitation are subjected to effective investigations and prosecutions and held accountable, and to provide information on the results achieved.

Articles 3(a), 7(1) and 7(2)(b). Compulsory recruitment of children for armed conflict, penalties and time-bound measures to provide the necessary and appropriate assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Following its previous comments, the Committee notes the Government's information, in its report under the Minimum Age Convention, 1973 (No. 138), that it has taken measures to ensure the complete demobilization and rehabilitation of all children under the age of 18 in armed groups. The Committee takes note in particular of the National Project for Rehabilitation and Reintegration, launched by the Ministry of Labour and Rehabilitation, which has helped to rehabilitate demobilized persons from armed formations, especially those under the age of 18, and to prepare occupational and vocational courses to integrate them into the labour market.

However, the Committee notes, from the report of the Secretary-General on children and armed conflict of 23 June 2022 (A/76/871-S/2022/493, paragraphs 106–107), that the United Nations have verified the recruitment and use of one boy by forces affiliated with the former Government of National Accord, which occurred before March 2021. The United Nations verified the detention of 125 children and their mothers, of several nationalities, for their mothers' alleged association with Da'esh, by various law enforcement authorities, such as the Judicial Police, the Deterrent Agency for Combating Organized Crime and Terrorism and the Libyan National Army. Moreover, according to the report of the Independent Fact-Finding Mission on Libya of 3 March 2023 (A/HRC/52/83, paragraph 88), the Mission received information that Syrian children are still being recruited into armed groups and that children of minority groups of Libya that lack citizenship or are of undetermined status are at risk of becoming involved in fighting. It also continued to receive reports about children held in arbitrary detention with their parents or non-familial detainees.

While noting the measures taken by the Government, the Committee takes note of continued reports of recruitment of children in armed groups and notes with ***regret*** the Government's indication that there is no information on any prosecutions for the recruitment of children under the age of 18 in

armed groups or forces. The Committee also expresses its ***deep concern*** at the continued practice of arrest and detention of children for their alleged association with armed forces or groups.

While acknowledging the complex situation prevailing in the country, the Committee once again strongly urges the Government to take the necessary measures as a matter of urgency to ensure that thorough investigations and prosecutions of all persons who forcibly recruit children under 18 years of age for use in armed conflict, are carried out and that sufficiently effective and dissuasive penalties are imposed in practice. It once again requests the Government to provide information on the measures taken in this regard and on the results achieved.

The Committee also urges the Government to take the necessary measures to ensure that children removed from armed forces or groups are treated as victims rather than offenders. It requests the Government to provide information on the measures taken in this regard and on the number of children removed from armed forces and groups, and rehabilitated and socially integrated.

Clause (d). Children in vulnerable situations. Migrant and unaccompanied children. The Committee notes, from an ILO report on Labour Market Access for Migrants in Libya and the Impact of COVID-19 of August 2021, that some assessments found that migrant children engage in economic activities in Libya, often finding themselves in exploitative and dangerous working conditions. Children on the move are considered among the most vulnerable groups in Libya and are subject to acute risks of human trafficking, forced labour, and physical and sexual abuse. According the 2023 UNICEF Humanitarian Situation report, 10 per cent of the 697,532 migrants in Libya are children, 4 per cent of which are unaccompanied minors. This report indicates that migrant and refugee children are facing lower school enrolment and attendance rates compared to their Libyan counterparts. The Committee also notes, from the 2023 UNICEF annual report on Libya, that migrant children are the most exposed to trafficking and that no alternatives to detention are yet in place.

Recalling that migrant children are at an increased risk of being engaged in the worst forms of child labour, the Committee requests the Government to take effective and time-bound measures to prevent these children from becoming victims of the worst forms of child labour, and to provide information on the measures taken in this regard.

The Committee is raising other matters in a request addressed directly to the Government.

Montenegro

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2006)

Previous comment

Article 4(1) of the Convention. Determination of hazardous types of work. The Committee notes that the Government's report refers to the ILO project "Measuring, raising awareness and engaging policies to improve the fight against the abuse of child labour and forced labour" (MAP 16). The Government indicates that the implementation of the MAP 16 project began at the end of 2019, at the initiative of the Ministry of Labour and Social Welfare, and that its goals are to improve the policies and capacities of Governments, national authorities, and other relevant bodies to combat child labour, including its worst forms. The Committee notes that one of the planned results of the MAP 16 Project in Montenegro includes drafting the first list of hazardous types of work prohibited to children. ***The Committee welcomes this initiative and requests the Government to ensure that a list of hazardous types of work prohibited to children under the age of 18 years is adopted without delay.***

Article 7(2). Effective and time-bound measures. Clause (d). Identifying and reaching out to children at special risk. Children in street situations. Begging. The Committee notes the Government's indication that, in June 2019, the Protocol on the treatment of authorities, institutions and organizations in Montenegro of children involved in life and work on the street was adopted and agreed upon by the Ministries of Interior, Justice, Labour and Social Welfare, Education, Health and the Police Directorate. The Protocol

aims to: (1) improve the well-being of children by creating safe conditions and by preventing circumstances and situations that expose children to unsafe and other potentially harmful aspects of life and work on the street; and (2) implement a quick and coordinated procedure that protects children from abuse and violence and provides them with appropriate protection and rehabilitation. The Government further indicates that, in 2021, the Protocol was revised to set out action guidelines for all actors who deal with children, as well as for families, to protect children involved in life and work on the street. A Coordinating Body for monitoring the Protocol was formed, consisting of representatives of the institutions that signed the Protocol and the Office of the Protector of Human Rights and Freedoms. The Committee further notes the Government's indication that one of the planned results of the MAP 16 Project, is to strengthen the national framework to monitor the prevalence of child labour abuse, by conducting a rapid assessment of the prevalence of child begging.

The Committee further notes the Government's information that, between 2019 and 2021, the Police Directorate continued to implement the "Prosjak" (Beggar) project and undertook a total of 66 actions in which 213 persons were monitored, 94 persons were found begging, including 50 minors, and 53 requests for misdemeanour proceedings against the parents/guardians of children were initiated. While taking note of the information provided by the Government, the Committee also notes, from the 2021 Evaluation Report of the Group of Experts on Action against Trafficking in Human Beings (GRETA Report), that street begging is the form of child exploitation that is most prevalent in Montenegro. ***Recalling that children in street situations are particularly exposed to the worst forms of child labour, the Committee requests the Government to continue to take effective and time-bound measures to: (i) protect children in street situations from the worst forms of child labour; and (ii) provide for their rehabilitation and social integration. It also requests the Government to: (i) share the results of the rapid assessment of the prevalence of child begging undertaken under the MAP 16 Project; and (ii) provide information on the number of children who have benefited from direct assistance measures, to the extent possible disaggregated by sex, age and ethnicity.***

The Committee is raising other matters in a request addressed directly to the Government.

Oman

Minimum Age Convention, 1973 (No. 138) (ratification: 2005)

Previous comment

Article 2(3) of the Convention. Age of completion of compulsory education. Following its previous comments, the Committee takes note of the new School Education Law, promulgated by Royal Decree No. 31 of 2023. Pursuant to sections 24 and 27 of the new Law, education is compulsory from the age of 6 until the student completes basic education (grades 1 to 10) or reaches the age of 17. The Committee therefore observes that the age of completion of compulsory education (at least 16) remains higher than the minimum age for admission to employment or work, which is 15 (section 46 of the Child Law, Royal Decree No. 22 of 2014).

The Committee therefore once again requests that the Government take the necessary measures to raise the minimum age for admission to employment from 15 to 16 years of age, in order to link this age with the age of completion of schooling, in conformity with Article 2(3) of the Convention.

Labour inspection and application of the Convention in practice. The Committee recalls that section 46 of the Child Law, 2014, provides that the minimum age for admission to work does not apply to the employment of children in agricultural, fishing or artisanal, craft or administrative occupations in family businesses in which employment is restricted to the members of a single household and where it does not hinder the education of the child or impair his or her health or development.

The Committee notes, however, that the United Nations Committee on the Rights of the Child, in its concluding observations of 6 March 2023 (CRC/C/OMN/CO/5-6, paragraph 38), expressed concern about reports of engagement of children in hazardous work, including fishing and selling, and the lack of information on the extent of such engagement. It also expressed concern about children working in family businesses, and the absence of a legal minimum age in this regard.

The Committee once again recalls that the Government did not, at the time of ratification, avail itself of the possibility, under *Article 4* of the Convention, of excluding family work or informal agricultural activities from the scope of the Convention. Therefore, the participation of children under the minimum age of admission to employment or work in child labour in small family undertakings must be prohibited, in conformity with the Convention. ***The Committee therefore once again requests the Government to take the necessary measures to strengthen the capacity and expand the reach of the labour inspectorate, to ensure the effective monitoring of children working in the informal economy and in family undertakings. The Committee requests the Government to provide information on the measures taken in this regard.***

Papua New Guinea

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1 of the Convention. National Policy designed to ensure the effective abolition of child labour. In its previous comments, the Committee noted the observations of the International Trade Union Confederation indicating the existence of child labour in agriculture, street vending, tourism and entertainment. The Committee also noted that according to the rapid assessment conducted by the ILO in Port Moresby, children as young as 5 and 6 years of age were working on the streets under hazardous conditions. In this regard, the Committee urged the Government to strengthen its efforts to improve the situation of working children and to ensure the effective elimination of child labour.

The Committee notes from the Government's report the adoption of the National Action Plan to Eliminate Child Labour in Papua New Guinea 2017–2020 (NAP), which is based on four strategic objectives: (i) mainstreaming child labour and worst forms of child labour in social and economic policies, legislation and programmes; (ii) improving the knowledge base; (iii) implementing effective prevention, protection, rehabilitation and reintegration measures; and (iv) strengthening the technical, institutional and human resource capacity of stakeholders. The NAP envisages the establishment of a National Coordinating Committee on Child Labour and a Child Labour Unit within the Department of Labour and Industrial Relations to provide institutional oversight and the coordination and management of child labour. The Committee notes the Government's indication that it is currently working towards the establishment of a National Steering Committee under a government funded child labour project. This project is focused on delivery of the key target outcomes of the NAP. ***The Committee requests the Government to indicate how, following the adoption of the NAP, child labour has been mainstreamed in national social and economic policies and programmes with a view to achieving its progressive elimination. The Committee also requests the Government to provide information on the progress made in relation to the establishment of a Child Labour Unit within the Department of Labour and Industrial Relations, as well as the National Coordination Committee as envisaged by the NAP.***

Article 2(1). Minimum age for admission to employment. In its previous comments, the Committee noted that, even though the Government had declared a minimum age for admission to employment of 16 years upon ratification of the Convention, section 103(4) of the 1978 Employment Act permits the employment of children above 14 years of age during school hours when the employer is satisfied that the person no longer attends school. The Committee also noted that section 6 of the 1972 Minimum Age (Sea) Act permits children above 15 of age to be employed at sea. In addition, according to section 7 of that Act, the Director of Education can grant an approval for the employment of a child above 14 years of age for service at sea when it is considered that such work will be for the immediate and future benefit of the child. The Committee noted the Government's indication that it was undertaking a review of the Employment Act and the Minimum Age

(Sea) Act to address issues related to the minimum age. In this respect, the Committee notes the Government's indication that it aims to complete the reform by finally adopting the Employment Act. ***Noting that the Government has been referring to the review of the Employment Act and the Minimum Age (Sea) Act for a number of years, the Committee strongly urges the Government to take the necessary measures without delay to ensure that section 103(4) of the 1978 Employment Act and sections 6 and 7 of the 1972 Minimum Age (Sea) Act are harmonized with the minimum age declared at the international level, which is 16 years of age.***

Article 2(3). Age of compulsory education. In its previous comments, the Committee noted the absence of legislation making education compulsory. The Committee also noted the absence of a provision in the Education Act 1983 specifying the age of completion of compulsory education. The Committee notes with ***regret*** an absence of information from the Government concerning measures taken to provide for compulsory education. ***The Committee urges the Government to take the necessary measures to provide for compulsory education for boys and girls up to the minimum age for admission to employment of 16 years. The Committee requests the Government to provide information on the progress made in this regard.***

Article 3(1) and (2). Minimum age for admission to, and determination of hazardous work. The Committee had previously noted that according to section 104(1) of the 1978 Employment Act, no person under 16 years of age shall be employed in any employment, or in any place, or under working conditions that are injurious or likely to be injurious to his health. In this regard, the Committee recalled that according to *Article 3, paragraph 1,* of the Convention, the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years. The Committee notes from the Government's report under Convention No. 182 that issues relating to the minimum age for hazardous work, as well as the determination of types of hazardous work prohibited to children under the age of 18 years will be addressed during the review of the Employment Act and the consideration of the proposed Occupational Safety and Health (OSH) legislation. The Committee also notes that the NAP included among the relevant actions and outputs the development and dissemination of a list of hazardous work or occupations that is culturally sensitive and practical. ***The Committee urges the Government to ensure, within the framework of the review of the Employment Act and adoption of OSH legislation, that hazardous work is prohibited for children under the age of 18 years. The Committee also requests the Government to take the necessary measures, without delay, to ensure the adoption of a list of hazardous work prohibited for persons under 18 years of age, in consultation with the organisations of employers and workers concerned. The Committee requests the Government to provide information on any progress made in this respect.***

Article 3(3). Admission to hazardous work from the age of 16 years. The Committee had previously requested the Government to take the necessary measures to ensure that the authorization of the performance of hazardous types of work for persons between the ages of 16 and 18 years is subject to the conditions established under *Article 3(3)* of the Convention, namely that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity. The Committee noted the Government's indication that the conditions of work for young people would be examined through the Employment Act review and that the legislation relating to occupational safety and health would be reviewed to ensure that hazardous work does not affect the health and safety of young workers. ***Noting the absence of information on this point, the Committee requests the Government to take the necessary measures to ensure that the employment of young persons between 16 and 18 years to perform hazardous types of work is subject to the conditions laid down in Article 3(3) of the Convention. The Committee requests the Government to provide information on the progress made in this regard.***

Article 9(3). Registers of employment. In its previous comments, the Committee had noted the absence of a provision in the 1978 Employment Act requiring the employer to keep registers and documents of employed persons under the age of 18 years. It also noted that section 5 of the Minimum Age (Sea) Act requires the person in charge of a vessel to register the name, birth and terms and conditions of service of persons under 16 years of age that are employed on board. In this regard, the Committee had recalled that *Article 9(3)* of the Convention requires employers to keep registers containing the names and ages or dates of birth, duly certified wherever possible, of persons whom they employ or who work for them and who are less than 18 years of age. The Committee also noted the Government's indication that this issue would be

addressed within the review of the Employment Act. The Committee notes with ***regret*** an absence of information on this point. ***The Committee requests the Government to take the necessary measures to ensure that employers are obliged to keep registers of all persons below the age of 18 years who work for them, including of those working on ships, in conformity with Article 9(3) of the Convention.***

While noting the Government's indication that it is focusing on a labour law reform to ensure consistency and conformity of its national legislation with international labour standards, the Committee strongly encourages the Government to take into consideration the Committee's comments on discrepancies between national legislation and the Convention. In this regard, the Committee invites the Government to consider technical assistance from the ILO to bring its legislation into conformity with the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 3 of the Convention. Worst forms of child labour. Clause (a). Sale and trafficking of children. The Committee previously noted that the Criminal Code only provided protection to girls trafficked for the purpose of sexual exploitation and that there appeared to be no provisions protecting boys or prohibiting the sale and trafficking of children for the purpose of labour exploitation. In this regard, it noted the Government's indication that it was addressing this issue through the adoption of the People Smuggling and Trafficking in Persons Bill which would amend the Criminal Code to include a provision prohibiting human trafficking, including children under the age of 18 years, for labour and sexual exploitation. The Committee, therefore, urged the Government to take the necessary measures to ensure the adoption of the People Smuggling and Trafficking in Persons Bill, without delay.

The Committee notes with ***satisfaction*** that the People Smuggling and Trafficking in Persons Bill, which contains a specific provision prohibiting the sale and trafficking of all children for labour and sexual exploitation, has been enacted as the Criminal Code (Amendment) Act of 2013. The Committee notes that section 208C(2) of the Criminal Code (Amendment) Act of 2013 makes it an offence to recruit, transport, transfer, conceal, harbour or receive any person under the age of 18 years with the intention of subjecting them to exploitation. The penalties include imprisonment for a term not exceeding 25 years. The term "exploitation" as defined under section 208E includes prostitution or other forms of sexual exploitation, forced labour or services, and slavery and servitude. The Committee notes that according to a report entitled *Transnational Organized Crime in the Pacific: A Threat assessment, 2016* by the United Nations Office on Drugs and Crime (UNODC report), Papua New Guinea is a key source and destination country for men, women and children trafficked for forced labour and sexual exploitation. ***The Committee requests the Government to take the necessary measures to ensure the effective implementation of the Criminal Code (Amendment) Act, in particular to ensure that thorough investigations and prosecutions are carried out for persons who engage in the trafficking of children, and that sufficiently effective and dissuasive sanctions are imposed in practice. It requests the Government to provide information on the number of investigations, prosecutions, convictions and penal sanctions applied for the offences related to the trafficking of children under 18 years of age pursuant to section 208C(2) of the Criminal Code (Amendment) Act.***

Clause (c). Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs. The Committee previously noted that the national legislation does not specifically prohibit the use, procuring or offering of a child for the production and trafficking of drugs. It noted the Government's indication that the offences related to the use, procuring or offering of a child for illicit activities would be dealt with in the People Smuggling and Trafficking in Persons Bill.

The Committee notes the Government's statement that the offences related to the use, procuring or offering of a child for illicit activities are interpreted as slavery or practices similar to slavery and are severely penalized under section 208C(2) of the Criminal Code (Amendment) Act of 2013. The Committee, however, notes that section 208C(2) deals with offences related to trafficking in children and does not constitute a prohibition on the use, procuring or offering of a child for the production and trafficking of drugs. The

Committee recalls that, by virtue of *Article 3(c)* of the Convention, the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs constitutes one of the worst forms of child labour and is therefore prohibited for children below 18 years of age. ***The Committee therefore urges the Government to take the necessary measures to prohibit the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs, and sanctions envisaged. It requests the Government to provide information on any measures taken in this regard.***

Articles 3(d) and 4(1). Hazardous work and determination of these types of work. The Committee notes the Government's information that one of the key activities identified for implementation under the recently adopted National Action Plan to Eliminate Child Labour 2017–20 is to formulate a list of types of hazardous work prohibited to children under the age of 18 years. ***With regard to the minimum age for admission to hazardous work and determination of types of hazardous work prohibited to children under the age of 18 years, the Committee requests the Government to refer to its detailed comments under the Minimum Age Convention, 1973 (No. 138).***

Article 7(2). Effective and time-bound measures. Clause (e). Taking into account the special situation of girls. 1. *Child victims of prostitution.* The Committee previously noted that, according to the findings of the rapid assessment conducted in Port Moresby an increasing number of girls were involved in prostitution. The most common age at which girls were engaged in prostitution was 15 years (34 per cent), while 41 per cent of the children were involved in prostitution before the age of 15 years. The survey report further indicated that girls as young as 10 years were also involved in prostitution. The Committee urged the Government to take effective and time-bound measures to provide the necessary and appropriate direct assistance to remove children, particularly girls under 18 years of age from prostitution, and provide for their rehabilitation and social integration.

The Committee notes with ***regret*** that the Government has not provided any information in this regard. The Committee notes from the UNODC report that children's involvement in prostitution is substantially increasing in Papua New Guinea, and an estimated 19 per cent of the country's labour market is comprised of child labourers many of whom are subject to prostitution and forced labour. The Committee once again expresses its ***deep concern*** at the prevalence of the prostitution of children in Papua New Guinea. ***The Committee therefore urges the Government to take effective and time-bound measures to provide the necessary and appropriate direct assistance to remove children, particularly girls under 18 years of age from prostitution, and to provide for their rehabilitation and social integration. It requests the Government to provide information on the measures taken in this regard and on the results achieved.***

2. "*Adopted" children.* In its previous comments, the Committee noted the observation of the International Trade Union Confederation (ITUC) that indebted families sometimes pay off their dues by sending children – usually girls – to their lenders for domestic servitude. The ITUC indicated that "adopted" children usually worked long hours, lacked freedom of mobility or medical treatment, and did not attend school. The Committee also noted the Government's indication that the practice of "adoption" is a cultural tradition in Papua New Guinea. In this regard, the Committee noted the Government's reference to the Lukautim Pikinini Act of 2009, which provided for the protection of children with special needs. The Committee requested the Government to take immediate and effective measures to ensure, in law and in practice, that "adopted" children under 18 years of age are not exploited under conditions equivalent to bonded labour or under hazardous conditions.

The Committee notes with ***regret*** that the Government report contains no information on this point. The Committee notes that Lukautim Pikinini Act of 2015, which repealed the Lukautim Pikinini Act of 2009, contains provisions to protect and promote the rights and well-being of all children, including children in need of protection and children with special needs who are vulnerable and subject to exploitation. This Act establishes penalties including imprisonment and fines to any person who causes or permits a child to be employed in hazardous conditions (section 54); or abuses, ill-treats or exploit children (section 78); or unlawfully subjects a child to a social or customary practice that is harmful to a child's well-being (section 80). ***The Committee urges the Government to take immediate and effective measures, including through the effective implementation of the Lukautim Pikinini Act, to ensure, that "adopted" children under 18 years of age are not exploited under conditions equivalent to bonded labour or under hazardous conditions, taking account of the special situation of girls. It requests the Government to provide information on the measures taken in this regard and on the results achieved, including the number of children who have been prevented and withdrawn from such exploitative situations.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Russian Federation

Minimum Age Convention, 1973 (No. 138) (ratification: 1979)

Previous comment: observation

Previous comment: direct request

Article 2(1) of the Convention. Scope of application. Children working in the informal economy. The Committee notes with ***regret*** the absence of specific information in the Government's report on the measures taken to ensure the protection of children under 16 years of age in the informal economy. The Committee further notes the Government's indication in its seventh periodic report of 2022 to the United Nations Committee on Economic, Social and Cultural Rights that the Russian Federation continues to have a high level of youth involvement in the informal sector (E/C.12/RUS/7, 16 November 2022, paragraph 58).

The Committee notes the measures taken to combat illegal employment, including: (1) adopting the Government's plan of measures to combat illegal employment (section 66 of the Federal Act of 12 December 2023, No. 565-FZ); (2) the establishment of interdepartmental commissions for combating illegal employment (Government's resolution of 3 May 2024, No. 571); and (3) the creation of a publicly accessible register of employers, who have been found to have recourse to illegal employment as of 1 January 2025 (section 6 of the Government's resolution of 21 February 2024, No. 194).

The Committee requests the Government to take the necessary measures to ensure that all children under 16 years of age, including those who work on their own account or in the informal economy, benefit from the protection afforded by the Convention. The Committee reiterates its request to the Government to provide information on the specific measures taken in this regard, including in the framework of the measures taken to combat illegal employment.

Labour inspection and application of the Convention in practice. The Committee notes that, according to the information provided by the Government, in 2022, three inspections were carried out to monitor the rights of workers under 18 years. As a result of these inspections, 11 violations of labour legislation were identified, which amounted to 0.033 per cent of the total number of violations identified in 2022 (more than 32,000 violations). The Government further indicates that violations of labour legislation regarding the rights of workers under 18 are not widespread in practice.

The Committee recalls that, in its detailed comments under the Labour Inspection Convention, 1947 (No. 81), it noted various restrictions on the powers of labour inspectors and the need to ensure the effective enforcement of the legal provisions enforceable by labour inspectors. ***The Committee therefore requests the Government to take the necessary measures to strengthen the capacity and expand the reach of the labour inspectorate so that it is able to effectively monitor and detect cases of child labour, particularly in the informal economy. It further requests the Government to continue to provide information on the manner in which the Convention is applied in practice, particularly on the number and nature of violations detected and penalties applied.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2003)

Previous comment

Article 3 of the Convention. Worst forms of child labour. Clause (a). Sale and trafficking of children. The Committee notes that, according to the statistical data provided by the Government in its report, 7 persons were convicted under section 127.1, paragraph 2(b) (trafficking in children) of the Criminal

Code in 2022, 11 in 2021 and 13 in 2020. It also notes that, in its concluding observations of 2024, the United Nations Committee on the Rights of the Child (CRC) took note of information indicating that, with regard to trafficking in persons, the situation has deteriorated significantly in the country and that the State party has not taken measures to address it (CRC/C/RUS/CO/6-7, 1 March 2024, paragraph 43). ***The Committee urges the Government to take the necessary measures to ensure that all cases of child trafficking are thoroughly investigated, with a view to prosecuting those responsible and imposing sufficiently effective and dissuasive penalties. It requests the Government to continue to provide information on the practical application of section 127.1, paragraph 2(b), of the Criminal Code, in particular on the number of investigations and prosecutions initiated, as well as on convictions and penalties applied for offences related to child trafficking.***

Article 7(2). Effective and time-bound measures. Clause (b). Direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. The Committee notes with ***regret*** that the Government's report does not contain information on the concrete measures envisaged to provide direct assistance to victims of the worst forms of child labour. ***The Committee requests the Government to take immediate and effective measures to remove child victims of trafficking from this worst form of child labour and to ensure their rehabilitation and social integration. It also requests the Government to provide detailed information on the concrete measures taken to this end, indicating the number of child victims of trafficking under the age of 18 who have been identified and provided with assistance.***

The Committee is raising other points in a request addressed directly to the Government.

Rwanda

Minimum Age Convention, 1973 (No. 138) (ratification: 1981)

Previous comment

Article 2(3) of the Convention. Age of completion of compulsory schooling. The Committee previously noted that the Education Sector Policy of 2003 provided for the progressive extension of compulsory education from 6 to 9 years, bringing the age of completion of compulsory schooling to 16 years, in line with the minimum age for admission to employment or work. It notes the recent adoption of the Law determining Organization of Education (No. 10/2021), which provides for free and compulsory primary education (up to 12 years of age) (section 57) but does not specify that lower secondary education (up to 16 years) shall also be compulsory. ***Recalling that compulsory education is one of the most effective means of combating child labour, the Committee requests the Government to take the necessary steps, including through legislative amendments to Law No. 10/2021, to make education compulsory until the minimum age for admission to employment or work, namely 16 years. It requests the Government to provide information on the measures taken to this end.***

Article 7(1) and (3). Light work and determination of light work activities. With reference to its previous comments, the Committee notes the Government's information on the adoption of Ministerial Order No. 02/MIFOTRA/23 of 1 August 2023 on occupational health and safety. It notes that section 39 of the Order provides that: (1) a child aged 13 to 15 years is authorized to perform light work activities referred to in Annex 2 of the Order; (2) light work activities must not exceed six hours per day; and (3) a child may only perform light work under the supervision of an adult. The Committee is of the view that work consisting of up to six hours per day, as allowed by Ministerial Order No. 02/MIFOTRA/23, does not constitute light work. In this regard, the Committee once again recalls that, according to Paragraph 13(b) of the Minimum Age Recommendation, 1973 (No. 146), in giving effect to *Article 7(3)* of the Convention, special attention should be given to the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training, for rest during the day and for leisure activities. ***The Committee therefore once again requests***

the Government to take the necessary measures to determine a number of hours which constitutes light work that does not prejudice school attendance, in line with Article 7(1) and (3) of the Convention. It requests the Government to provide information on the measures taken to this end, including through the amendment of section 39 of Ministerial Order No. 02/MIFOTRA/23.

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Articles 3 and 7(1) of the Convention. Worst forms of child labour and penalties. Clause (a). All forms of slavery or practices similar to slavery. Sale and trafficking. The Committee notes the Government's information, in its report, on cases identified in relation to Law No. 51/2018 of 13 August 2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others to the effect that: (1) 30 cases relating to section 18 on trafficking in persons were investigated and submitted for prosecution; (2) 14 cases relating to section 19 on promoting and facilitating trafficking in persons were investigated and submitted for prosecution; and (3) one case relating to section 20 on aggravating circumstances was investigated and submitted for prosecution. The Committee notes with ***regret*** that the Government does not specify: (1) the year or time period during which these cases were identified; (2) the number of cases which relate specifically to the trafficking of children under the age of 18 years; or (3) the outcomes of these cases, namely if prosecutions led to convictions and, if so, the types of penalties imposed.

The Committee further notes, from the concluding observations of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), the concerns about the fact that Rwandan women and girls are trafficked internally for the purposes of sexual exploitation and forced labour in domestic work and the service sector (CEDAW/C/RWA/CO/10, 6 June 2024, paragraph 27). ***The Committee requests the Government to strengthen its efforts to combat child trafficking. It once again requests the Government to provide information on the application in practice of sections 18, 19 and 20 of Law No. 51/2018, by providing statistics on the number of investigations and prosecutions which specifically relate to the trafficking of children under the age of 18 years, and to include data on convictions and penalties imposed in addition to specifying the time frames concerned.***

Clause (b). Use, procuring or offering of a child for prostitution. Commercial sexual exploitation. The Committee notes the Government's indication that various measures were taken to protect children against commercial sexual exploitation, including: (1) the increase in the number of investigators dealing with such cases; (2) the organization and delivery by the Rwanda Investigation Bureau (RIB), of trainings to eligible investigators, allocation of adequate means for the required operations, enhancement of partnerships with stakeholders, and increase in awareness-raising campaigns; and (3) the undertaking of efforts to improve data collection, analysis and dissemination of information. The Government further indicates that 10 cases of sexual exploitation of a minor were investigated and submitted for prosecution under section 24 of Law No. 51/2018 of 13 August 2018, involving 11 victims under the age of 18 years. However, the Government does not indicate the outcome of these cases, namely if prosecutions led to convictions and, if so, the types of penalties imposed. In this regard, the Committee notes with ***regret*** the relatively low number of prosecutions given that it had previously noted the increase of trafficking in adolescent girls for purposes of sexual exploitation under the pretext of offering them opportunities to study or work abroad.

The Committee further notes that the Working Group of the Universal Periodic Review (UPR) recommended that the Government take all necessary measures to prevent, prosecute and eliminate the exploitation of children in the sex industry, including within the tourism sector (A/HRC/47/14, 25 March 2021, paragraph 135.47). ***The Committee once again requests the Government to take the necessary measures to protect children against commercial sexual exploitation and to strengthen the***

capacity of law enforcement bodies to facilitate the detection of cases involving the commercial sexual exploitation of children and to enable them to carry out thorough investigations and prosecutions. It requests the Government to provide detailed and specific information on: (i) the measures taken in this regard; and (ii) the results achieved, including by continuing to share statistical data on the number of investigations and prosecutions, but also on the convictions and penalties imposed in application of section 24 of Law No. 51/2018.

Article 7(2). Effective and time-bound measures. Clause (b). Direct assistance for the removal of children from the worst forms of child labour and their rehabilitation and social integration. Commercial sexual exploitation and trafficking. The Committee notes the Government's information on: (1) the adoption of the Prime Minister's Order No. 019/03 of 2021 determining the body responsible for providing the necessary means for the repatriation of the victims of the crime of trafficking in persons; (2) the adoption of Ministerial Order No. 013/MOJ/AG/21 of 2021 providing for other particular means for supporting victims of the crime of trafficking in persons, which plans for the placement of victims of trafficking in *Isange* One Stop Centres (*Isange* OSCs); (3) three child victims who benefited from rehabilitation in *Isange* OSCs, where they received services including legal support, medical treatment and psychological support; (4) the development of the Child Online Protection Policy (2019), which lays out guidelines for the protection of children from online abuse and exploitation; (5) the Government allocation of 233 million Rwandan francs in 2019, 206 million francs in 2020 and 181.3 million francs in 2021 to victim care; (6) the establishment of hotlines to facilitate timely and confidential reporting; (7) in addition to the 48 *Isange* OSCs, the offering by two teaching hospitals of services to victims of trafficking, and the establishment of four safe shelters at hospitals; and (8) the deployment of efforts to raise public awareness on human trafficking issues, including in schools, and the implementation of capacity-strengthening programmes to raise the knowledge of Immigration officers, Rwanda National Police and RIB officers in the detection, prosecution and referral of cases of human trafficking, including children.

The Committee further notes, from the 2023 Country Office Annual Report of the United Nations Children's Fund (UNICEF), that the Government launched the Child Protection Case Management Framework in September 2023, developed with UNICEF's financial and technical support, to strengthen the provision of integrated child protection services. However, the Committee also notes, from the concluding observations of the CEDAW, the concerns about the lack of effective and systematic screening and referral of victims of trafficking, in particular women and girls, to appropriate services (CEDAW/C/RWA/CO/10, paragraph 27). ***Noting that only three child victims of trafficking have benefited from rehabilitation services in the* Isange *OSCs, the Committee requests the Government to strengthen its efforts to provide the necessary direct assistance to child victims of commercial sexual exploitation and trafficking, and to ensure their rehabilitation and social integration. In this regard, it requests the Government to: (i) provide information on the measures taken to ensure that more child victims are referred to* Isange *OSCs, including by implementing the Child Protection Case Management Framework; and (ii) continue to provide information on the number of persons under the age of 18 who benefited from rehabilitation and social integration assistance, including in the* Isange *OSCs.***

The Committee is raising other matters in a request addressed directly to the Government.

Saint Kitts and Nevis

Minimum Age Convention, 1973 (No. 138) (ratification: 2005)

Previous comment

Article 3(1) and (2) of the Convention. Minimum age for admission to, and determination of, hazardous work. The Committee previously noted that the National Advisory Committee for the Elimination of Hazardous Child Labour, which would determine the types of work deemed to be hazardous for young

persons under the age of 18 years, would be established under the draft Labour Code and become operational following its entry into force.

The Committee notes the Government's information in its report that the inclusion to the draft Labour Code of the establishment of the National Advisory Committee for the Elimination of Hazardous Child Labour has been tabled, and that the process of amending the draft Labour Code is ongoing. ***Observing that the Government has been referring to the enactment of the draft Labour Code since 2011, the Committee urges the Government to take the necessary measures to ensure that the draft Labour Code, which should establish the National Advisory Committee for the Elimination of Hazardous Child Labour that shall determine the types of hazardous work prohibited to children under the age of 18 years, is adopted without delay. It requests the Government to provide information on the progress made in this regard.***

Article 3(3). Admission to hazardous work as from 16 years. The Committee previously requested the Government to take the necessary measures to ensure that the authorization of the performance of hazardous types of work for persons between the ages of 16 and 18 years is subject to the strict conditions of protection and prior training established under *Article 3(3)* of the Convention.

The Committee notes once again the Government's information that the provisions restricting the admission of persons between 16 and 18 years to hazardous work shall be included in the draft Labour Code. ***The Committee requests the Government to ensure that the draft Labour Code will be adopted in the near future and that it will provide for all the appropriate provisions ensuring the safety and training of young persons from the age of 16 engaged in hazardous work, as required by Article 3(3) of the Convention.***

Article 7(1). Light work from the age of 13 years. The Committee previously noted that the consolidated Employment of Women, Young Persons and Children Act, Chapter 18.10 as amended by Act No. 20 of 2002, permits children under the age of 12 to be employed by their parents in light agricultural or horticultural work on land belonging to their parents, as well as children between the ages of 12 and 16 years to work in non-hazardous daytime work outside of school hours, specifying a maximum of two hours of work on school days and Sundays (section 7)). It noted the Government's indication that the National Tripartite Committee would review the legislation, in consultation with the Ministry of Social Development, to ensure that its provisions are in conformity with *Article 7(1)* of the Convention and that children below the age of 13 are not authorized to undertake light work activities.

The Committee notes the Government's indication that the necessary amendments shall be made during the ongoing process of amending the draft Labour Code. ***Considering that the Committee has been raising this issue for a number of years, it urges the Government to take the necessary measures to bring the Employment of Women, Young Persons and Children Act, Chapter 18.10 into conformity with Article 7(1) of the Convention by permitting employment in light work only by young persons who have reached the age of 13 years.***

Article 9(3). Keeping of registers. The Committee previously noted that section 12(1) of the Employment of Women, Young Persons and Children Act requires every employer in an industrial undertaking and every shipmaster to keep a register of all persons employed under the age of 16 years, which is the minimum age for admission to employment in Saint Kitts and Nevis, and that this provision is retained in the draft Labour Code. The Committee notes the Government's indication that it acknowledges the need for employers to keep registers of all persons employed under the *age of 18 years*, to be in conformity with *Article 9(3)* of the Convention. The Governments indicates that this recommendation shall be tabled in the amendments in the ongoing process of amending the draft Labour Code. ***The Committee expresses the firm hope that the Government will take the necessary measures to ensure that the draft Labour Code contains provisions requiring employers in all sectors of the economy to keep registers of all persons employed under the age of 18, in conformity with***

Article 9(3) of the Convention. It requests the Government to provide information on the progress made in this regard.

The Committee once again reminds the Government that it may avail itself of ILO technical assistance in order to bring its legislation into conformity with the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Article 3 of the Convention. Worst forms of child labour. Clause (c). Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs. The Committee previously noted an absence of provisions in the national legislation prohibiting the use, procuring or offering of a child under 18 years for illicit activities, in particular for the production and trafficking of drugs.

The Committee notes the Government's statement in its report that a Cabinet submission has been made to address this issue. It once again reminds the Government that such activities are considered to be one of the worst forms of child labour and that, under the terms of *Article 1* of the Convention, each Member which ratifies the Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. ***Observing that it has been raising this issue since 2004, the Committee strongly urges the Government to take the necessary measures, without delay, to ensure the adoption of specific provisions prohibiting the use, procuring or offering of children under the age of 18 years for illicit activities, in particular the production and trafficking of drugs. It requests the Government to provide information on any progress made in this regard.***

Articles 3(d) and 4(1). Hazardous work. ***With regard to the adoption of the list of hazardous work, the Committee refers to its detailed comments under the Minimum Age Convention, 1973 (No. 138).***

The Committee is raising another matter in a request addressed directly to the Government.

Sao Tome and Principe

Minimum Age Convention, 1973 (No. 138) (ratification: 2005)

Previous comment: observation

Previous comment: direct request

Article 2(1) of the Convention. Scope of application. The Committee recalls that sections 2 and 3 of the Labour Code No. 6/2019 limit its application to formal employment contracts. It also noted that child labour remains widespread in subsistence farming, plantations and small-scale fisheries and that children start working in the informal economy at a very young age.

The Committee notes the absence of information provided by the Government in reply to its previous requests. The Committee notes, from the concluding observations of the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and of the Committee on the Rights of the Child (CRC), the concerns about the extent of child labour in the informal economy, particularly in agriculture and fisheries, and the fact that children often work in dangerous conditions and situations of vulnerability (CMW/C/STP/CO/1, 21 December 2021, paragraph 30 and CRC/C/STP/CO/5-6, 23 June 2023, paragraph 49).

The Committee recalls that the Convention applies to all persons engaged in economic activity, whether or not there is a contractual employment relationship and whether or not the work is remunerated, including unpaid work and work in the informal economy. This includes workers in family enterprises and farms, domestic workers, agricultural workers and self-employed workers (see the 2012 General Survey on the fundamental Conventions, paragraph 332). ***Considering the prevalence of child***

labour in the informal economy, including in hazardous work, the Committee once again requests the Government to: (i) take the necessary measures, including through legislative amendments, to ensure that children working in the informal economy enjoy the protection afforded by the Convention; and (ii) provide information on the steps taken in this regard as well as on the results achieved.

Article 6. Apprenticeship and vocational training. The Committee notes the Government's indication that it has not yet adopted special legislation regulating the vocational training of minors, pursuant to section 270 of the Labour Code No. 6/2019. ***The Committee recalls that the Labour Code No. 6/2019 does not specifically provide a minimum age for access to vocational training, and it therefore requests the Government to take the necessary measures to: (i) adopt legislation to regulate the vocational training of young persons, pursuant to section 270 of the Labour Code; and (ii) ensure that it clearly sets out a minimum age of at least 14 years for access to vocational training if performed in undertakings (apprenticeships).***

Article 9(1). Penalties, labour inspectorate and application of the Convention in practice. The Committee notes the Government's indication that: (1) it has taken measures, in cooperation with educational authorities, to organize awareness-raising campaigns in order to eliminate child labour, including under hazardous conditions; (2) it has established a unit within the Office of Social Protection and Solidarity (the Child Protection Department), which functions as a mechanism for reporting any cases of child labour or similar matters to the labour inspectorate; and (3) it is implementing programmes to eliminate child labour through partnerships with UNICEF.

With regard to statistical data on the application in practice of the Convention, the Committee notes the Government's reply that: (1) there have not been any complaints relating to the violation of child labour provisions of the Labour Code No. 6/2019; and (2) it is in the process of compiling data on child labour and intends to request ILO technical assistance in this regard.

The Committee further notes that the CRC, in its concluding observations, expressed concern over the inadequate data collection on child labour and the lack of enforcement of child labour laws, in particular in the informal economy, and of accountability in the case of violations (CRC/C/STP/CO/5-6, paragraph 49). Considering all the above, the Committee notes with ***regret*** the absence of child labour cases reported or detected by the labour inspectorate despite the fact that children continue to be engaged in child labour in the country. ***The Committee requests the Government to take all the necessary measures to strengthen the capacity and expand the reach of the labour inspectorate services to adequately monitor and detect cases of children engaged in child labour, including in hazardous work and the informal economy. The Committee requests the Government to provide information in this respect as well as on the number of inspections on child labour carried out by state labour inspectors and by other agencies, and on the number and nature of violations detected and penalties imposed in this regard. Finally, the Committee once again recalls the importance of statistical data to assess the application of the Convention in practice and requests the Government to provide statistics on the employment of children under the age of 15 years, as well as on the employment of children under the age of 18 years in hazardous work, disaggregated by age, sex and sector of economic activity.***

The Committee recalls that the Government may avail itself of ILO technical assistance in this regard.

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2005)

Previous comment

Articles 3(a) and (b) and 7(1) of the Convention. Worst forms of child labour and penalties. All forms of slavery or practices similar to slavery. Sale and trafficking and commercial sexual exploitation of children. The Committee notes the Government's indication, in its report, that there have not been any reports of

cases of trafficking of children under section 160(1) and (3) of the Criminal Code. The Government concedes that this does not guarantee an absence of cases, but rather that no cases have been brought to the attention of the authorities.

The Committee notes, from the concluding observations of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), that the Government conducted awareness-raising campaigns on trafficking and at-risk situations for trafficking, including in rural and remote areas. However, the CEDAW expressed concern about: (1) the little awareness of the incidence of trafficking in women and children, including girls, for purposes of sex tourism, and that, accordingly, the prevention of trafficking and identification of risk factors, victims and perpetrators are not sufficiently prioritized; (2) the lack of a coordination body and of a national action plan to combat trafficking; (3) the lack of training for members of the judiciary and law enforcement officials on the implementation of anti-trafficking legislation, including the early identification of victims of trafficking and their referral to appropriate services; (4) the fact that extreme poverty drives families in rural areas to send their children, including girls, to live with wealthy relatives so that they can gain access to quality education in exchange for light domestic duties, which often gives rise to labour and/or sexual exploitation; (5) the existing risk of children, including girls, becoming victims of commercial sexual exploitation and the worst forms of child labour; and (6) the lack of any data-collection system on trafficking (CEDAW/C/STP/CO/1-5, 31 May 2023, paragraph 30).

The Committee further notes the concerns expressed by the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), in its concluding observations: (1) that the State party is a country of origin, destination and transit for trafficking in persons; (2) about the scale of human trafficking, particularly for exploitation in prostitution and agriculture; (3) about the exploitation of women and girls, who are forced to resort to prostitution as a survival strategy, and the harmful effect that increased tourism is likely to have on the scale of prostitution; and (4) about the lack of information on the number of investigations, prosecutions and convictions for trafficking in persons and exploitation through prostitution, as well as on any prevention and protection mechanisms, including rehabilitation programmes, that have been set up for victims (CMW/C/STP/CO/1, 21 December 2023, paragraph 50). ***The Committee urges the Government to take all necessary measures to strengthen the capacities of law enforcement bodies to ensure the identification, investigation and prosecution of persons who engage in the trafficking or commercial sexual exploitation of children, through the provision of financial, human or any other necessary resources. It also requests the Government to provide information on the results achieved, including by providing statistics on the number of investigations, prosecutions, convictions and penalties imposed related to the sale and trafficking and the commercial sexual exploitation of children under the age of 18 years.***

Article 6. Programmes of action. The Committee notes the adoption, in 2019, of a list of the worst forms of child labour, appended to the Labour Code as its Annex IV. However, the Committee notes that the Government does not provide information on the measures taken to implement or update the previously mentioned National Action Plan against child labour and the National Child Protection Policy and the corresponding action plan (2016–2018). ***The Committee encourages the Government to take the necessary measures to adopt and implement programmes of action to eliminate, as a priority, the worst forms of child labour, in consultation with workers' and employers' organizations and taking into account the views of other concerned groups. It requests the Government to provide information on any progress made in this regard.***

Article 7(2). Effective and time-bound measures. Clauses (b) and (d). Providing the necessary and appropriate assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Identifying and reaching out to children at special risk. Children in street situations. The Committee notes with ***interest*** that Annex IV of the Labour Code considers as a worst form of child labour work performed "on the streets and other public spaces (street commerce, tourist

guides, transport of people or animals, among others)". The Committee further notes the Government's indication that: (1) the Ministry of Health, Labour and Social Affairs, is responsible for providing assistance to abandoned children; and (2) the Children's Home Project sometimes works with young children (aged 1 to 7 years) in order to keep them off the streets and prevent them from becoming victims of child or forced labour.

The Committee also notes, from the concluding observations of the United Nations Committee on the Rights of the Child (CRC), the concerns about: (1) the lack of data on the number of children deprived of parental care and the causes thereof; (2) the absence of a foster care system; and (3) the insufficient information on the children in street situations (CRC/C/STP/CO/5-6, 23 June 2023, paragraphs 32 and 51). ***While taking note of the measures taken by the Government, the Committee requests the Government to continue to take the necessary measures to protect children in street situations from the worst forms of child labour, and to provide for their rehabilitation and social integration. It requests the Government to provide information on the measures taken in this regard and the results achieved, particularly in terms of the number of children removed from the streets and who have benefited from rehabilitation and social integration.***

The Committee is raising other matters in a request addressed directly to the Government.

Saudi Arabia

Minimum Age Convention, 1973 (No. 138) (ratification: 2014)

Previous comment

Article 1 of the Convention. National policy and application in practice. Following its previous comments, the Committee takes note of the qualitative study on child labour, annexed to the Government's report, that was prepared in 2020 in certain regions of the country, with ILO technical assistance. The preliminary results of the study indicate that while child labour has decreased significantly in the recent years, it still exists in the country. The study focused on three main areas where child labour can be found: car maintenance and repair shops, and vegetable and fruit markets in Mecca; fishing and agriculture in the Jazan region; and street vending in Riyadh. Main findings illustrate the root causes leading children to feel compelled to work, such as poverty or cultural reasons, and reveal that girls are also engaged in domestic work and wedding halls.

The Committee notes with ***interest*** the adoption of the National Policy (NP) and National Action Plan (NAP) to eliminate child labour in the Kingdom of Saudi Arabia, through the promulgation of Decision No. 493 of 6 April 2021. The NP and NAP aim to provide a suitable environment to eliminate child labour in all parts of the Kingdom and to identify the priorities of work for the Government and stakeholders in this regard. In addition, the Government indicates that the Ministry of Human Resources and Social Development (MHRSD), in collaboration with the General Authority for Statistics and with ILO technical assistance, is currently studying the possibility of conducting a national survey on child labour in the context of the NP/NAP.

The Committee encourages the Government to continue its efforts towards the elimination of child labour, including within the framework of the implementation of the National Policy and National Action Plan to eliminate child labour in the Kingdom of Saudi Arabia. It requests the Government to provide information on the results achieved. The Committee also encourages the Government to ensure that the national survey on child labour is undertaken and requests it to provide updated information, where possible disaggregated by age and sex, on the nature, extent and trends of child labour in the country, including in the informal economy.

The Committee is also raising other matters in a request addressed directly to the Government.

Serbia

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2003)

Previous comment

The Committee notes the observations of the Confederation of Autonomous Trade Unions of Serbia (CATUS), communicated with the Government's report.

Articles 3(a) and (b) and 7(1) of the Convention. Worst forms of child labour and penalties. Trafficking and commercial sexual exploitation. The Committee notes that, in its report, the Government indicates that, for the period January 2017 to December 2022, a total of 344 criminal reports were filed against 272 persons for committing 514 criminal offences of a sexual nature against minors, including relating to the use of children in pornography under section 185 of the Criminal Code. The Government adds that, in the period 2017–22, police officers filed a total of 122 criminal reports against 241 persons due to reasonable suspicion that the criminal offence of human trafficking under section 388 of the Criminal Code was committed, whereby 193 persons were victims of human trafficking. According to the information provided by the Government, the victims were trafficked for: (1) begging (7 boys and 3 girls); (2) sexual exploitation (1 boy and 34 girls); (3) pornographic purposes (8 girls); (4) multiple exploitation (1 boy and 5 girls); and (5) labour exploitation (2 boys and 7 girls).

The Committee further notes that the CATUS, in its observations, regrets the lack of information on how many proceedings were actually initiated and completed and the penalties imposed. ***The Committee encourages the Government to pursue its efforts to eliminate in practice the trafficking of children, particularly by ensuring that thorough investigations and prosecutions are carried out against persons who engage in the trafficking of children, and that sufficiently effective and dissuasive sanctions are imposed in practice. It requests the Government to continue to provide information on the application of sections 185 and 388 of the Criminal Code in relation to the trafficking and commercial sexual exploitation of children under 18 years of age, and to ensure that this information includes data on the number of investigations, prosecutions, convictions and the types of penalties applied.***

Article 4(1). Hazardous work. The Committee takes due note of the Government's information on the number of children under the age of 18 years that the labour inspectorate found to be working, for the period 2019 to 2022. The Government indicates that, among these children, labour inspectors found children working without contracts, without being registered for compulsory social insurance, without parental consent and at other times without the authorization of the competent health authority. The Committee takes note of the penalties imposed by the labour inspectors in these cases; however, it notes that the information provided does not relate to the application in practice of Regulation No. 53/2017, which sets out the types of hazardous work prohibited to children under 18 years of age.

The Committee notes, from the National Child Labour Survey 2021, published in collaboration with the ILO, that there are 14,000 children aged 5–14 years engaged in hazardous work (representing 2.2 per cent of children in this age group), and 21,000 children aged 15–17 years (10.1 per cent of children in this age group). Among children aged 15–17 years who are engaged in hazardous work, 41.1 per cent are exposed to dust, 30.7 per cent work with dangerous machines and devices (e.g. tractors), 19.7 per cent work in awkward positions for prolonged periods and 11.2 per cent are exposed to extreme cold, heat or humidity. For younger children, aged 5–14 years, 41.7 per cent are exposed to extreme cold, heat or high humidity, 32.9 per cent to dust, 25.2 per cent work in awkward positions and 23.8 per cent work with dangerous machines. The survey also highlights that, although the majority of children aged 5–14 years are not exposed to hazardous household chores, there are still some 5,800 children that suffer from extremely long hours in household chores. ***Considering that children continue to be engaged in hazardous types of work, the Committee requests the Government to take the necessary measures to protect these children from hazardous work including by ensuring***

that Regulation No. 53/2017 is effectively enforced. In this regard, it requests the Government to provide information on the application in practice of Regulation No. 53/2017, including the number of children found in hazardous work as well as the types of violations reported, and the penalties imposed.

Article 6. Programmes of action to eliminate the worst forms of child labour. Trafficking and commercial sexual exploitation of children. The Committee takes note of the Government's information on the measures taken to implement the National Strategy for Prevention and Suppression of Human Trafficking, Especially Women and Children 2017–2022 (National Strategy 2017–2022), including: (1) implementation of a Fundamentals of Child Safety Programme, to educate children about risks and methods of prevention, including through the broadcast of videos on child trafficking; (2) implementation of programmes for prevention of child trafficking in primary schools; (3) implementation of an operational action to combat trafficking in children for pornographic purposes, named "Armageddon"; (4) implementation of the "Say No!" video campaign against the sexual exploitation of children available on social media platforms; and (5) publication of a "Guide for the application of revised indicators for the preliminary identification of students who are potential victims of human trafficking" distributed to all primary and secondary schools personnel to provide staff with tools to identify child victims of trafficking. The Committee also notes that the Government implemented an anti-trafficking Programme, in cooperation with the National Red Cross, throughout the country, to spread knowledge and awareness about human trafficking, with an emphasis on children and young people, including in particularly vulnerable groups.

The Committee notes, from the observations of the CATUS, that it considers that the Government's report lacks information on the effectiveness of the measures taken, and more specifically on the concrete measures taken to implement the National Strategy 2017–2022, as well as on the results achieved. ***The Committee requests the Government to continue to take measures to eliminate the trafficking and commercial sexual exploitation of children under the age of 18 years. It also requests the Government to provide specific information on the results of the measures taken in this regard and to consider updating the National Strategy 2017–2022.***

Article 7(2). Effective and time-bound measures. Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour and direct assistance for the removal of children from these worst forms and for their rehabilitation and social integration. Child victims of trafficking. The Committee takes note of the Government's information on the measures taken to prevent child trafficking, including: (1) the creation of a working group for the preparation of a new strategic document on combating human trafficking, which will have a special segment on child protection; and (2) the implementation of the Strategy for the Prevention and Suppression of Trafficking in Human Beings, especially in Women and Children, and the Protection of Victims 2017–2022, and its Action Plan, which foresees a series of activities to improve the capacity of the protection system and exercise the rights of victims of human trafficking in accordance with international standards.

With regard to the identification of child victims, the Government indicates that: (1) it developed indicators for the preliminary identification of child victims of trafficking for the education system and the social protection system, for the formal identification of child victims of trafficking and to assess the risk of human trafficking for migrant children; (2) trainings were held for the preliminary identification of victims of human trafficking in the education system for representatives of school administrations, and two trainings were scheduled for a total of 50 psychologists working in schools; (3) the Centre for the Protection of Victims of Human Trafficking cooperated with the Association of Youth Offices, and as part of that cooperation, they trained representatives of youth offices to recognize and respond to situations of human trafficking, and held a forum for over 250 students in Valjevo; and (4) numerous trainings were held on the topic of recognizing and identifying human trafficking among children and providing support for the victims.

The Government indicates that, in the period from January 2019 to 31 August 2023, 144 child victims of trafficking were identified, of which 122 girls and 22 boys. The most common form of child exploitation is sexual exploitation, forced begging and labour exploitation. All the child victims identified were placed at the Centre for the Protection of Victims of Trafficking in Human Beings (the Centre). The Committee takes note of the detailed list of services offered by the Centre to identified child victims, including: (1) appointment of a temporary or permanent guardian; (2) accommodation; (3) development of a protection plan for each child, which always includes individual psychological support, information about the rights of the child and a legal representative for judicial proceedings; and (4) support for all child victims of trafficking for several years and after reaching adulthood, as long as there is a need for it.

The Committee notes, from the observations of the CATUS that: (1) more effective protection measures are needed to ensure the implementation of existing laws and action plans; (2) the Government needs to strengthen the capacities of the Centre, social protection institutions, and labour inspection; (3) it is necessary to find a mechanism for processing data on the number of identified child victims of human trafficking and the types of assistance and services provided by the Centre and other social protection institutions; and (4) the Government should increase the budget for education and strengthen the school system, the budget for basic social services for children and their families, and the budget for law enforcement institutions, including for the labour inspection and school inspection. ***The Committee requests the Government to provide its comments in reply to the observations of the CATUS. It further requests the Government to continue to take measures to prevent trafficking in children, including in the framework Strategy for the Prevention and Suppression of Trafficking in Human Beings, especially in Women and Children and the Protection of Victims 2017–2022 and its Action Plan. It also requests the Government to continue to strengthen the capacities of the Centre and other social institutions in the rehabilitation and social integration of child victims of trafficking. Lastly, the Committee requests the Government to provide information on the number of child victims of trafficking identified, and the types of assistance and services provided by the Centre and other social service institutions.***

Clauses (a) and (d). Preventing the engagement of children in the worst forms of child labour and identifying and reaching out to children at special risk. Children in street situations, especially Roma children. The Committee notes the Government's indication that: (1) in 2022, it prepared and signed a Plan for the Protection of Children in Street Situations, with the objective of protecting children from violence, neglect and exploitation and providing support and alternatives to children who live and/or work in the streets; (2) a draft report entitled "Rapid assessment of child labour in the streets in Serbia" was completed and will be shared once finalized; (3) there are seven licensed providers of temporary accommodation services for children in street situations – four shelters and three drop-in centres; (4) in 2019, in Belgrade, a new Shelter for children and youth was opened, with the capacity to accommodate up to 48 children. In addition to the Shelter, in a separate part of the building there is a space for a drop-in service with facilities to accommodate 30 children; and (5) the Council for the Rights of the Child, established by the Government in 2018, is responsible for, among other things, monitoring the situation in the area of the protection of the rights of children in street situations and coordinating the monitoring of the implementation of national provisions for the prevention of child labour.

The Committee further notes, from the Government's report to the United Nations Committee on the Rights of the Child (CRC) that, through the application of affirmative action measures, 12,427 Roma students (56 per cent girls) have been enrolled in secondary schools. The Government also refers to the adoption of the Strategy for the Social Inclusion of Roma Men and Women 2022–2030 (CRC/C/SRB/4-5, 30 May 2022, paragraphs 166 and 187). The Committee notes, from the Strategy that: (1) one of the reasons why early school leaving is a widespread trend in the Roma population is that Roma children, usually boys from families experiencing severe deprivation frequently discontinue their schooling in order to earn money by working in the informal economy (collecting recyclable materials, working at

flea markets or as street vendors, washing cars) or by begging, which is a form of economic exploitation; (2) in its annual reports, the Ombudsman stated that the position of children who live and work in the streets had not changed and that no strategic activity had been undertaken to prevent and control their living and working in the streets, improve their position, and reduce and eliminate factors of risk to their life and work; and (3) the Strategy envisages activities targeting specific groups in the Roma population in response to child labour, forced labour, children in street situations and human trafficking.

While taking note of the measures taken by the Government, the Committee notes that, according to the CATUS, the biggest problem in Serbia relates to children who work in the streets, and that there is a lack of specialized shelters and institutions that would provide a stimulating environment for their education, protection and inclusion in the social environment. The CATUS also stresses the need for the Government to take measures to prevent the return of children to the streets.

Further, it notes from the concluding observations of the United Nations Committee on Economic, Social and Cultural Rights (CESCR) the concerns about: (1) the continuing high incidence of poverty, particularly among Roma; (2) the limited provision of social housing to Roma and other disadvantaged and marginalized individuals and families; and (3) the disproportionately high dropout rates at the primary and secondary education levels as well as the low attendance rates in preschool and secondary education among Roma children (E/C.12/SRB/CO/3, 6 April 2022, paragraphs 54, 56 and 66). ***The Committee recalls that children in street situations are at particular risk of becoming engaged in the worst forms of child labour and therefore requests the Government to continue taking effective and time-bound measures to prevent and protect children in street situations, especially Roma children, from the worst forms of child labour. In this regard, the Committee requests the Government to:***

- ***take specific measures to this end, including in the framework of the Plan for the Protection of Children in Street Situations and the Strategy for the Social Inclusion of Roma Men and Women 2022–2030, and provide information on the measures taken and the results achieved;***
- ***share the results of the Rapid assessment of child labour in the streets in Serbia and indicate the measures taken as a follow-up of the assessment; and***
- ***provide information on the rehabilitation and social integration of children in street situations, including the number of children who were provided with educational and vocational training opportunities.***

The Committee is raising other matters in a request addressed directly to the Government.

Seychelles

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

Previous comment

Article 3(1) and (2) of the Convention. Minimum age for admission to, and determination of, types of hazardous work. The Committee notes from the Government's report to the United Nations Committee on the Rights of the Child, the reiterated indication that the list of hazardous work prohibited to children under 18 years of age has been finalized and will be included in the Conditions of Employment Regulations following the adoption of the new Employment Act (CRC/C/SYC/7, 17 October 2022, paragraph 44). ***Recalling that it has been raising this issue since 2004, the Committee once again urges the Government to follow up on its reiterated commitment and to take all the necessary measures to ensure that the draft list of hazardous types of work prohibited to children under 18 years of age is adopted in the very near future.***

Article 3(3). Hazardous work as from 16 years. With regard to its previous comments, the Committee notes the Government's repeated response that the Employment Act, 1995, is under review and that it will ensure compliance with *Article 3(3)* of the Convention. The Committee therefore observes that section 22(4) of the Conditions of Employment Regulations, which provides that the competent officer

may, exceptionally, grant special written permission for the employment of children aged 15 to 17 years in the circumstances listed in section 22(1) and (2), is still in force. Recalling that it has been raising this issue since 2004, the Committee notes with ***concern*** that no progress has been achieved to bring the legislation into conformity with the requirements of *Article 3(3)* of the Convention. ***With a view to bringing its legislation into compliance with Article 3(3) of the Convention, the Committee urges the Government to take the necessary measures to ensure the amendment of section 22(4) of the Conditions of Employment Regulations so as to: (i) set a minimum age of at least 16 years for exemptions to the general prohibition of children under 18 years of age to perform hazardous work; and (ii) ensure that, in all cases, children from the age of 16 performing hazardous work receive adequate specific instruction or vocational training in the relevant branch of activity, in addition to ensuring that their health, safety and morals are fully protected. It requests the Government to provide information on the progress achieved to this end.***

Article 7(1) and (3). Minimum age for light work and determination of light work activities. The Committee notes the Government's reiterated indication that the review of the Employment Act, 1995, will permit and regulate light work, in accordance with *Article 7(3)* of the Convention. ***The Committee recalls that it has been raising this issue since 2004, and it therefore, once again, expresses the firm hope that the new Employment Act will be adopted in the near future. It requests the Government to take all the necessary measures to ensure that the new Employment Act contains: (i) provisions permitting the employment of children between 13 and 15 years of age in light work; and (ii) provisions determining light work activities and prescribing the number of hours during which and the conditions in which such employment or work may be undertaken. The Committee requests the Government to provide information on the progress achieved in this regard.***

The Committee expresses the firm hope that the Government will take its comments into consideration during the ongoing revision of the Employment Act. It reminds the Government that it can avail itself of ILO technical assistance in this regard.

[The Government is asked to reply in full to the present comments in 2025.]

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 1999)

Previous comment

Articles 3 and 7(1) of the Convention. Worst forms of child labour, penalties and application in practice. Clauses (a) and (b). Trafficking and commercial sexual exploitation of children. With reference to its previous comments, the Committee notes the Government's statement, in its report, that it remains committed to the identification and prosecution of persons suspected of using, procuring, or offering children for prostitution. The Committee further takes note of the data provided by the Government that, in 2020, 41 cases of child trafficking for sexual purposes were reported, and that no such cases were reported between 2021 and 2023. The Committee notes, however, that the Government does not provide information on whether these cases were investigated and prosecuted. With regard to child trafficking cases for other purposes, the Government indicates that, in 2022 and 2023, each year, two cases of child trafficking were reported, all of which are awaiting trial.

The Committee notes the Government's information according to which: (1) in 2019, one case of child trafficking was filed before the Supreme Court and the accused was sentenced to 25 years' imprisonment; (2) in 2020, one case of child trafficking was filed before the Supreme Court and the accused was sentenced to 12 years' imprisonment; (3) there is no information for 2021; (4) in 2022, one case of child trafficking was filed before the Supreme Court and proceedings are ongoing; and (5) in 2023, one case of child trafficking was filed before the Supreme Court and proceedings are ongoing. ***The Committee strongly encourages the Government to pursue its efforts and to continue taking measures to ensure that persons suspected of trafficking and commercial sexual exploitation of children are identified, and that thorough investigations and prosecutions are carried out in this***

respect. It requests the Government to continue to provide information on: (i) the number and nature of violations reported, investigations and prosecutions undertaken; and (ii) the outcome of the reported cases of child trafficking, including convictions and criminal penalties imposed. Noting the failure to submit some of the information sought, the Committee also once again requests the Government to take the necessary measures to ensure that sufficient data on the involvement of children in the worst forms of child labour, particularly in commercial sexual exploitation, is collected and made available.

Articles 3(d) and 4(1). Hazardous work and determination of hazardous work. ***With regard to the adoption of a list of hazardous work, the Committee refers to its detailed comments under the Minimum Age Convention, 1973 (No. 138).***

Article 7. Effective and time-bound measures. Clause (b). Direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Child trafficking and commercial sexual exploitation. The Committee notes the Government's indication that, according to the "Standard Operating Procedure and Referral Mechanism for Assistance to Victims of Trafficking", published by the Government, all cases of trafficking are notified to the police. In cases involving child victims, social services are also immediately notified. The Committee takes note of the detailed list that the social services need to follow, including: (1) opening a case file and immediately assigning a case worker to the child victim; (2) deciding if a suspected victim requires placement in a designated shelter; (3) determining whether medical and psychological assistance is needed; and (4) rehabilitation and follow-up. The Government further indicates that it is continuously engaged in providing training to officials of competent authorities (including social workers from the Social Affairs Department, the Trafficking in Persons Secretariat, Police Department, Immigration and the Judiciary) for the identification of victims and their referral. While taking due note of the information provided by the Government, the Committee notes that this information is very general and does not specify the number of child victims identified, rehabilitated and reintegrated. ***The Committee therefore once again requests the Government to pursue its efforts and to indicate: (i) the specific measures taken for the identification, rehabilitation and social integration of child victims of trafficking and commercial sexual exploitation; and (ii) the number of child victims who have been effectively rehabilitated and socially integrated. The Committee further requests the Government to continue to provide information on the measures taken, and the results achieved, to enhance the capacity of public officials, including the police, prosecutors and the judiciary, to identify and combat commercial sexual exploitation of children.***

The Committee is raising other matters in a request addressed directly to the Government.

Somalia

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2014)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the Government's first report and the observations of the Federation of Somali Trade Unions (FESTU) received on 1 September 2018.

Articles 3 and 7(1) of the Convention. Worst forms of child labour and penalties. Clause (a). All forms of slavery or practices similar to slavery. Forced or compulsory recruitment of children for use in armed conflict. The Government indicates in its report that article 29 of the Provisional Constitution of 2012 provides for the right of children to be protected from armed conflict and not to be used in armed conflict (paragraph 6). In addition, it indicates that the Somali National Army issued a general staff Order (No. 1), stating that children under 18 years of age may not enlist in the army.

The Committee notes that the draft Labour Code of 2019 provides, in its section 7 entitled "Slavery and forced labour and recruitment of children into the armed forces", for the prohibition of forced or

compulsory recruitment of children for use in armed conflict, which is considered as a form of forced or compulsory labour. The penalty for offenders under this provision is a fine or imprisonment for a term of not less than three years and not exceeding ten years, or to both a fine and imprisonment.

According to the Government, the Somali National Army has benefited from human rights training and continuous sensitization to combat the use of children in armed conflict. However, the Government states that gaps exist in law enforcement areas to adequately protect children from the worst forms of child labour, especially in parts of the country that the Government does not control. It indicates the detection of cases of recruitment of children by non-state armed groups, including for use as spies, when opening and closing checkpoints, and to join their armed groups. In 2017, Al-Shabaab extremists intensified its campaign of forced recruitment of children as young as 8 years old. According to the Social Protection Policy of 2019, the recruitment of children by armed groups has included the threatening of elders, teachers in Islamic religious schools, and communities in rural areas with attacks if they did not provide thousands of children as young as 8 years old for use in armed conflict. The observations of the Federation of Somali Trade Unions (FESTU) received on 1 September 2018 also stated that children were forcibly recruited and used by militias and Al-Shabaab extremists as soldiers.

The Committee notes that, according to the Report of the UN Secretary-General on Children and armed conflict of June 2020, the recruitment and use in armed conflict of 1,442 boys and 53 girls were verified in 2019, with some children as young as 8 years old. Al-Shabaab remained the main perpetrator but government security forces, regional forces and clan militias also recruited and used children. A total of 1,158 cases of abduction of children were verified, mainly for the purpose of recruitment and use in armed conflict, as well as 703 cases of children killed or maimed, and more than 200 cases of girls being raped and are victims of sexual violence. The Secretary-General underlined the growing number of violations attributed to government security forces (A/74/845-S/2020/525, paragraphs 137, 139, 140, 142 and 145). Moreover, the Committee notes that, in her report of 24 December 2019, the Special Representative of the Secretary-General for Children and Armed Conflict specified that in Somalia, where the highest figures for sexual violence were verified in 2019, girls were sexually abused during their association with armed forces and groups, and forcibly married to combatants. She also stated that abduction was the primary way for Al-Shabaab to forcibly recruit children for use as combatants in Somalia (A/HRC/43/38, paragraphs 27 and 32). The Committee must ***deplore*** the continued recruitment and use of children in armed conflict in Somalia, especially as it entails other violations of children's rights, such as abductions, killings and sexual violence. ***While recognizing the complexity of the situation prevailing on the ground and the existence of an armed conflict and armed groups in the country, the Committee urges the Government to take the necessary measures as a matter of urgency to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children under 18 years of age by armed forces and armed groups in Somalia. The Committee also urges the Government to take immediate and effective measures to ensure the thorough investigation and prosecution of all persons found guilty of recruiting children under 18 years of age for use in armed conflict and to ensure that sufficiently effective and dissuasive penalties are imposed in practice. The Committee requests the Government to provide information on the number and nature of investigations carried out against the perpetrators of these crimes, as well as on the number of prosecutions conducted, and the number and nature of penalties imposed.***

Articles 6 and 7(2)(a) and (b). Programmes of action and effective time-bound measures for prevention, assistance and removal. Children forcibly recruited for use in armed conflict. The Government indicates that it signed a roadmap to end recruitment and use of children in conflict, in 2019.

The Committee notes that, in its report of March 2020 on Children and armed conflict in Somalia, the UN Secretary-General specified that this roadmap, aiming at accelerating the implementation of the action plans of 2012 on preventing and combating the recruitment and use and the killing and maiming of children, includes renewed commitments to strengthening the legislative framework, to capacity-building and awareness-raising for security forces, and to the screening of troops. The roadmap also provides for the creation of regional working groups on children and armed conflict, in order to implement the action plans at the Federal member State-level (S/2020/174, paragraphs 65 and 69). The Committee notes that the United Nations Assistance Mission in Somalia (UNSOM) specified that the roadmap to end recruitment and use of children in conflict details measures to release children associated with armed forces, and reintegrate them into their communities.

The Committee further notes that the UN Secretary-General indicated in its report of March 2020 that the Government was drafting a national strategy aimed at preventing child recruitment and facilitating the release and reintegration of children associated with armed groups, and a national strategy on assistance to victims aiming at supporting survivors of armed conflict, including children affected by conflict (S/2020/174, paragraph 67).

According to the report of the Government to the Committee on the Rights of the Child of October 2019, the National Programme for the Treatment and Handling of Disengaged Fighters focuses on outreach, reception, screening, rehabilitation and reintegration of children previously engaged in conflict (CRC/C/SOM/1, paragraph 362). However, according to the Report of the Secretary-General on Children and armed conflict of June 2020, 236 children were detained in 2019 for alleged association with armed groups by national and regional security forces (A/74/845-S/2020/525, paragraph 138). ***The Committee urges the Government to take the necessary measures to ensure that children removed from armed forces or groups are treated as victims rather than offenders. It also requests the Government to provide information on the adoption and implementation of the above-mentioned national strategies to prevent child recruitment, facilitate the release and social reintegration of children associated with armed groups, and assist them, including any special attention that has been paid to the removal, rehabilitation and social integration of girls. Furthermore, the Committee requests the Government to provide information on the manner in which the National Programme for the Treatment and Handling of Disengaged Fighters has been applied to children recruited in armed groups and the armed forces.***

Article 7(2). Clause (a). Prevent the engagement of children in the worst forms of child labour. Access to free basic education. The Government indicates that the restoration of free education is one of its priorities. It has provided opportunities for free schooling in some regions, adding that 22 free schools have been established in the country. The Government wishes to implement programmes to enable more children to return to school.

The Committee notes that, according to the Social Protection Policy, there are low school enrolment rates throughout the country, and girls' enrolment rates are significantly lower. Almost 47 per cent of children from 6 to 17 years of age are not enrolled in school. In 2015, the primary school net attendance rate was estimated at 21 per cent for girls and 30 per cent for boys (page 7). The Federal Government of Somalia, together with the World Food Programme, is implementing a school feeding programme covering more than 20 per cent of primary schools across the country. In the Federal member States, school feeding is carried out in partnership with the Ministry of Education (page 15). It improves children's school attendance and food security (page 34).

The Committee also notes that the National Employment Policy of 2019 states that the National Education Policy and the National Education Sector Strategy Plan are essential in revising the education system, which was completely destroyed by the conflict (page 7). The National Employment Policy indicates that the private sector is the largest provider for education (page 10).

The Committee further notes that the report of the World Bank Group of August 2019 underlines that Somalia's allocations to education as share of the national budget are about 1 per cent. The Federal member States also spend little of their own resources on education (page 32).

In its report on Children and armed conflict of June 2020, the UN Secretary-General stated that, with 64 attacks on school in 2019, Somalia has one of the highest numbers of attacks of school. Incidents included the abduction of teachers and pupils, the killing of and threats against teachers, and the destruction and looting of facilities (A/74/845-S/2020/525, paragraph 141). ***Considering that education is key in preventing children from the worst forms of child labour, the Committee strongly encourages the Government to continue to take the necessary measures to improve access to free basic education of all children, including girls. It requests the Government to continue to provide information on the progress made regarding access to free basic education, including on the implementation of the National Education Policy and the National Education Sector Strategy Plan. The Committee also requests the Government to provide information on the school enrolment, attendance and completion rates at primary and secondary level, as well as on the school drop-out rates.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

South Africa

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

Previous comment

Article 1 of the Convention. National policy designed to ensure the effective abolition of child labour and application of the Convention in practice. The Committee notes the Government's indication, in its report, that it has a wide range of existing programmes that are directly and indirectly improving the situation of children, namely: (1) programmes aimed at addressing poverty, for example, the public works programmes, the provision of basic infrastructure, access to basic services and the roll out of social grants that benefit children; (2) the Child Labour Programme of Action (CLPA) 2019–2021, which is the country's action plan towards the prevention, reduction and eventual elimination of child labour and which was extended to 2022 due to COVID-19; and (3) in May 2022, the Government hosted the 5th Global Conference on Elimination of Child Labour, which closed with the adoption of the "Durban Call to Action", a document that emphasizes the need to scale up action to eliminate child labour. The Government adds that, in order to implement the Durban Call to Action, it has deemed it necessary to establish Phase V of the CLPA covering the period 2022–25, which will set out specific actions to be taken towards the elimination of child labour and which will assign responsibility for these actions to different government departments.

The Committee notes the Government's indication that the Survey of Activities of Young People, 2019, (SAYP 2019) shows a decline in the number of children (aged 7 to 17 years) involved in child labour, from 577,000 (5.2 per cent of children) in 2015 to 571,000 (5 per cent) in 2019. The survey found that: (1) the prevalence of child labour increases noticeably with age, from 2.6 per cent among the youngest children (7–9 years) to 7.1 per cent in the oldest age group (16–17); (2) compared to other population groups, black African children were more likely to be involved in child labour (5.7 per cent of black African children are involved in child labour, compared to 2.6 per cent of white children); (3) child labour decreased across all age groups, except among children aged 10–15 years which increased by 0.4 percentage points; and (4) although there has been a decrease in the rate of child labour in KwaZulu-Natal, it remains the province with the highest rate of child labour (from 10 per cent in 2015 to 8.4 per cent in 2019).

The Government warns that despite the decrease in child labour between 2015 and 2019, the COVID-19 pandemic and recent floods in some parts of the country may reverse this decline if not closely addressed and monitored. In this regard, the Committee notes with ***interest*** that the Government is engaged in ILO technical assistance through the "Strengthening the prevention and elimination of Child Labour in the Agricultural sector in South Africa" Project 2023–24, which aims to improve collaboration, partnerships and capacity-building among multiple target groups, at the local and national levels, in their work towards the prevention and elimination of child labour. ***The Committee welcomes the positive results achieved in terms of the reduction of child labour and it strongly encourages the Government to pursue its efforts to ensure the progressive elimination of child labour in the country, for children of all ages and ethnic groups, taking into account the negative impact of COVID-19. It further requests the Government to continue to provide information on: (i) the measures taken in this regard; (ii) the adoption and implementation of Phase V of the CLPA; and (iii) the results achieved in terms of the number of children withdrawn from child labour. Finally, it requests the Government to provide information on the implementation and results achieved within the framework of the Strengthening the prevention and elimination of Child Labour in the Agricultural sector in South Africa Project 2023–24.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Articles 3(d) and 5 of the Convention. Hazardous work, monitoring mechanisms and application of the Convention in practice. The Committee notes from the Government's report under the Minimum Age Convention, 1973 (No. 138), the indication that the Department of Employment and Labour continues to conduct child labour inspections and that it actively participates in intersectoral investigations alongside other partners. However, the Government does not provide information on the object or results of these intersectoral investigations.

The Committee further notes, from the Survey of Activities of Young People (SAYP) 2019 that there has been a continued decrease in the number of children aged 7 to 17 years engaged in hazardous work, from 203,000 in 2015 to 193,000 in 2019 (representing 33.8 per cent of children in child labour, down from 34.2 per cent in 2015). While it takes note of the continued reduction in the number of children involved in hazardous work, the Committee notes that this number remains high. ***It therefore requests the Government to step up its efforts, including by strengthening the capacities of the labour inspectorate to ensure that children under the age of 18 years are not engaged in hazardous work. In this regard, the Committee requests the Government to take the necessary measures to promote collaboration between the labour inspectorate and other relevant stakeholders and to provide training to the labour inspectors to detect cases of children engaged in hazardous work. It also requests the Government to provide detailed information on: (i) the concrete measures taken in this regard; (ii) the results achieved; and (iii) the reasons for which the labour inspectorate is unable to effectively identify cases of hazardous child labour.***

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. The Committee notes, from the Government's report under Convention No. 138, that the implementation of the Child Labour Programme of Action includes: (1) provision of free basic education for all children; (2) implementation of "No School Fees" policies to many rural children and other vulnerable children; and (3) the continuation of other initiatives such as the provision of free meals to children through the school nutrition programme. The Committee notes with ***concern***, from the SAYP 2019, that the overall proportion of children aged 7 to 15 years not attending school increased from 0.7 per cent in 2015 to 0.9 per cent in 2019. More specifically, there was an increase in boys not attending school (from 0.8 per cent in 2017 to 1.2 per cent in 2019), whereas the rate of girls not attending school showed no change over the same period (0.6 per cent in 2017 and 2019). The SAYP 2019 also highlights that the proportion of children who were most likely not be attending school was observed among the coloured population, followed by the Indian/Asian and black African population group. Among the white population group, none of the children were reported to be out of school during this period.

The Committee further notes that the United Nations Committee for the Rights of the Child (CRC), in its concluding observations, was concerned: (1) that children are discriminated against in terms of equal and full access to basic protectional, educational and health services, with a disproportionate disadvantage for children living in rural areas and in poverty; (2) about the limited access to quality and inclusive education for children with disabilities, pregnant teenagers and adolescent mothers, asylum-seeking, refugee and migrant children, and children in disadvantaged socioeconomic situations; (3) about the high dropout rates at the end of the compulsory school phase, due to poverty, remoteness, disability or pregnancy; (4) the low quality of education, particularly in "No-Fee Schools", and voluntary donations which contribute to school dropout; and (5) the insufficient availability of early childhood education and the lack of qualified staff (CRC/C/ZAF/CO/3-6, 11 March 2024, paragraphs 16 and 40). ***The Committee recalls that education is key in preventing the engagement of children in the worst forms of child labour, and therefore urges the Government to strengthen its efforts to facilitate access to free basic education for all children, particularly children from disadvantaged communities and in remote areas. It once again requests the Government to provide information on: (i) the concrete measures taken in this regard; and (ii) the results achieved, particularly with regard to increasing school enrolment, attendance and completion rates, both at primary and secondary levels, and***

reducing school drop-out rates as well as the number of out-of-school children. To the extent possible, this information should be disaggregated by age, sex and ethnic origin.

Article 7(2). Effective and time-bound measures. Clause (d). Identifying and reaching out to children at special risk. Child orphans of HIV/AIDS and other vulnerable children (OVCs). The Committee notes that the Government does not provide information on the measures taken, or results achieved, within the framework of the *Isibindi* initiative, a community-based child and youth care prevention and early intervention service that provides support to vulnerable children. The Committee notes that the National Strategic Plan on HIV, sexually transmitted infections and tuberculosis 2017–2022 identifies "child orphans and vulnerable children" as a vulnerable population in need of customized and targeted interventions (Goal 3). Further, the Committee notes that, according to UNAIDS estimates of 2022 for South Africa, the number of child orphans under 17 years due to AIDS decreased to 720,000 (previously 1.4 million in 2019). ***The Committee welcomes the significant decrease in the number of children orphaned by HIV/AIDS and encourages the Government to pursue its efforts to ensure that those children are prevented from being engaged in the worst forms of child labour. In this regard, the Committee once again requests the Government to provide information on: (i) the concrete measures taken, including within the framework of the* Isibindi *initiative and the National Strategic Plan on HIV 2017–2022, to protect child orphans of HIV/AIDS and other vulnerable children from the worst forms of child labour; and (ii) the results achieved in terms of the number of orphans and vulnerable children withdrawn from the worst forms of child labour and rehabilitated into education or vocational training. To the extent possible, please disaggregate the data provided by sex and age.***

The Committee is raising other matters in a request addressed directly to the Government.

Spain

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

The Committee notes the observations of the Trade Union Confederation of Workers' Commissions (CCOO) and the joint observations of the Spanish Confederation of Employers' Organizations (CEOE) and the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME), sent with the Government's report.

Article 7(2) of the Convention. Effective and time-bound measures. Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from these types of labour and ensuring their rehabilitation and social integration. Trafficking for sexual and labour exploitation. The Committee notes with ***interest*** the adoption in June 2021 of the "Basic Act on the comprehensive protection of children and young persons" (Basic Act 8/2021), referred to by the Government in its report. The Government emphasizes that the purpose of this legislation is to guarantee the fundamental rights of children and young persons to their physical, psychological and moral integrity against any form of violence. In particular, the Committee notes that Basic Act 8/2021: (1) establishes the right to comprehensive care, including measures for the provision of information and psycho-social, social and educational support for victims (including trafficking victims), therapeutic care, and support for education and finding employment; (2) provides that the security forces and agencies of the State, autonomous regions and local entities can count on specialist units for the investigation, prevention and detection of situations of violence against children and young persons and for action against such situations, and for proper and appropriate intervention in such cases; and (3) provides for the setting up of the Committee against Violence towards Children and Young Persons (CoVINNA), tasked with drawing up a joint healthcare protocol for the elimination of violence against children and young persons.

The Committee also notes the Government's indication that in 2022 the "Plan of Action against the sexual exploitation of children and young persons in the child protection system" was adopted, which provides, among other measures, for updating the "Protocol for the coordination of action by the competent public entities in the area of protection of young persons", with regard to transfers of children and young persons. This Protocol will enable the prompt identification of available places, especially in specialist entities, and the quick transfer of children at particular risk, including victims of trafficking and sexual exploitation. The Government also indicates that: (1) in November 2022, the preliminary draft of the "Comprehensive Basic Act against human trafficking and exploitation" was approved, which provides for comprehensive, joint action against all forms of trafficking and exploitation, from sexual and labour exploitation to trafficking of organs, and including prevention and awareness-raising in addition to the core response of criminal prosecution; and (2) the "National Strategic Plan against human trafficking and exploitation 2021-23" was adopted, setting as priorities the detection and prevention of human trafficking, the identification, protection, assistance and recovery of trafficking victims, prosecution of the crime, cooperation and coordination, and increased raising of awareness.

The Committee duly notes the Government's indication that the Civil Guard, in its action to protect victims, bases itself on the "Framework Protocol on the protection of human trafficking victims", whose goal is to establish guidelines to detect, identify, assist and protect trafficking victims. However, the Committee notes that the Government has not provided any information on the results achieved in the context of this Protocol or the "Protocol on unaccompanied foreign minors", which provides for coordination and the registration of these young persons by the authorities.

The Committee notes that the CCOO in its observations welcomes the above-mentioned progress in terms of legislation and plans of action, specifically highlighting Basic Act 8/2021, the preliminary draft of the "Comprehensive Basic Act against human trafficking and exploitation", as well as the "Plan of Action against the sexual exploitation of children and young persons in the child protection system". The Committee also notes, according to the joint observations of the CEOE and CEPYME, that in the formulation of certain legislative texts such as Basic Act 8/2021, as well as other initiatives such as the preliminary draft of the "Comprehensive Basic Act against human trafficking and exploitation", dialogue with the social partners was virtually non-existent. The CEOE and CEPYME emphasize that social dialogue is essential in the formulation of legislative texts and that input from the social partners significantly enriches these texts and has a very positive impact on the legislation in question. The Committee notes the Government's reply that the preamble to Basic Act 8/2021 indicates that "during the process for adoption of the legislation, prior public consultations were held and information duly provided to the public". The Government considers that these processes enable the participation of the social partners. With regard to the preliminary draft of the "Comprehensive Basic Act against human trafficking and exploitation", the Government also indicates that the corresponding procedures for public hearings and the provision of information were followed.

The Committee observes that according to the conclusions of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA): (1) Spain continues to be chiefly a country of destination and transit for trafficking victims; (2) according to data gathered by the Ministry of Interior, between 2017 and 2022 a total of 1,687 trafficking victims were identified, including 79 child victims; (3) the most common form of exploitation was sexual exploitation (28 girls and 1 boy), followed by labour exploitation (15 girls and 13 boys), forced criminal activity (6 boys), and forced begging (2 girls and 3 boys)); and (4) GRETA urges the Spanish authorities to improve procedures for identifying child victims of trafficking, in particular unaccompanied foreign children, and to increase the availability of places in safe, specialist accommodation, with adequately trained professionals. The Committee also notes that the United Nations Committee on the Elimination of Discrimination against Women, in its concluding observations, expressed concern at the fact that most trafficking victims are women and girls, trafficked for sexual exploitation, and that they are often not detected by border officials and face

obstacles gaining access to justice (CEDAW/ESP/CO/9, 31 May 2023, paragraph 26(b)). ***While duly noting the measures taken by the Government, the Committee encourages the Government to continue its efforts to protect boys and girls under 18 years of age against trafficking in persons, incorporating the participation of the social partners in the measures and action taken. In this regard, the Committee requests the Government to provide detailed information on: (i) the measures taken in the context of various plans and protocols, including the "National Strategic Plan against human trafficking and exploitation 2021–23" to provide necessary and appropriate direct assistance to release children and young persons who are trafficking victims and ensure their rehabilitation and social integration; and (ii) progress on the adoption of the preliminary draft of the "Comprehensive Basic Act against human trafficking and exploitation". With regard to its previous comments, the Committee once again requests the Government to provide detailed information on the results achieved in the context of the "Protocol on unaccompanied foreign minors" and the "Framework Protocol on the protection of human trafficking victims".***

Clause (d). Children at special risk. Migrant children and unaccompanied minors. The Committee notes the Government's indication that in September 2022 the "Model for the management of migration contingencies for unaccompanied children and young persons" was approved by the Sectoral Conference on Children and Young Persons as a model for addressing emergency and crisis situations relating to migrants, on the basis of co-responsibility, cooperation and inter-regional solidarity, enabling the transfer and integration of children and young persons between different autonomous regions. The actions prescribed by the Model include an initial evaluation, in the first few weeks after the arrival of migrants, of the specific needs of migrant children and young persons for an initial formal determination of the higher interests of the young persons concerned, in order to direct the following steps in the comprehensive intervention and care process. Special attention must be given to profiles of those especially at risk, such as child victims of trafficking. Account must be taken of the existence of these profiles to ensure prompt detection and identification, and also to take the most appropriate protection measures. However, the Committee notes that the Government has not provided information in reply to its previous requests regarding: (1) the results achieved in the context of the above-mentioned Model; and (2) the results achieved in the context of the "Programme of guidance and reinforcement for progress and support in education" to facilitate the provision of care for unaccompanied foreign minors. ***While recalling that migrant children are at particular risk of engagement in the worst forms of child labour, the Committee requests the Government to continue its efforts to protect migrant children and unaccompanied foreign minors from the worst forms of child labour and to ensure their integration into the school system. The Committee also once again requests the Government to provide information on the results achieved in the context of the "Programme of guidance and reinforcement for progress and support in education" and the "Model for the management of migration contingencies for unaccompanied children and young persons" to facilitate the provision of care for unaccompanied foreign minors. This information should include data on the number of foreign minors who have been identified and protected from the worst forms of child labour, and also on the types of assistance received.***

The Committee is raising other matters in a request addressed directly to the Government.

Sri Lanka

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

Previous comment

Article 2(2) of the Convention. Raising the minimum age for admission to employment or work. Following its previous comments, the Committee notes with ***satisfaction*** the Government's information in its report that the Employment of Women, Young Persons and Children (EWYPC) Act No. 47 of 1956

has been amended by the Employment of Women, Young Persons and Children (Amendment) Act No. 2 of 2021, in order to raise the minimum age for admission to work or employment from 14 to 16 years. The Committee accordingly notes that section 7(1)(a) of Act No. 2 of 2021, defines a "child" as a person under the age of 16 years and a "young person" as a person who has attained the age of 16 years but is under the age of 18 years. The Committee further notes the Government's information that communications have been sent to the ILO and that an appreciation note has been received from the ILO in this regard.

Article 2(3). Age of completion of compulsory schooling. Following its previous requests, the Committee notes with ***satisfaction*** that pursuant to the amendments to the EWYPC Act No. 2 of 2021, the minimum age for admission to employment or work is now aligned with the age of completion of compulsory schooling of 16 years as provided under the Compulsory Attendance of Children at School Regulation No. 1 of 2015, and therefore in line with *Article 2(3)* of the Convention. ***The Committee requests the Government to take the necessary measures to ensure the effective implementation of the Compulsory Attendance of Children at School Regulation and to provide information on the school enrolment and completion rates of children below the age of 16 years.***

Application of the Convention in practice and labour inspection. In response to its previous comments, the Committee notes the Government's detailed information on the various initiatives undertaken to eliminate child labour in the country from 2021 to 2023. In this regard, the Committee notes that: (1) various awareness-raising campaigns against child labour were conducted through posters, print media, TV and radio programmes, and theme songs and short films on child labour; (2) specific awareness-raising initiatives on eradicating child labour as well as on the revised minimum age and legal regulations were carried out for child welfare and protection officers, school teachers and students, and private sector employees; (3) a series of seminars were carried out in the fishing community island; (4) social dialogue platforms were conducted across the country via the 11 Zonal offices to facilitate productive tripartite discussions involving employers, employees and the Department of Labour; and (5) trainings of trainers were organized targeting 46 probation officers, 88 labour officers, and 45 police officers aimed at enhancing their expertise and understanding of child labour issues.

The Government also refers to several training programmes undertaken by the Department of Labour, including: (1) induction trainings carried out for the newly recruited Sri Lanka Administrative Service officers and Labour Officers; (2) an online training session on the latest amendment to labour laws and a comprehensive two-day Residential Training Workshop on labour laws and court procedures covering 68 labour inspectors, 11 Zonal Deputy Chief Labour Commissioners; 40 district level Assistant Child Labour Commissioners and 17 senior Labour Officers; and (3) four distinct training programmes with the support of the ILO on addressing child labour and hazardous child labour catered to labour officers, police officers and probation officers. Moreover, in 2023 as part of the Child Labour free Zone Programme, ten villages have been identified for carrying out special initiatives aimed at eradicating child labour. The Committee also notes from the Government's report that according to the data from the Department of Labour in 2021, 204 complaints and in 2022, 145 complaints pertaining to child labour were received, and 7 and 4 cases of child labour have been identified, respectively. However, no information on the penalties imposed with regard to the employment of children and young persons has been provided.

The Committee further notes from the End of Mission Statement by the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on his country visit to Sri Lanka (26 November–3 December 2021) that child labour continues to exist and is particularly seen in the domestic sector, hospitality, cleaning and general service industry. Child labour is particularly severe in rural areas populated by ethnic minorities where some children are forced to drop out of school to support their families. ***The Committee strongly encourages the Government to continue its efforts to ensure the progressive elimination of child labour in the country, with a focus on the informal***

economy and children living in rural areas. It requests the Government to continue to provide information on the measures taken and the results achieved in this regard, including within the framework of the Child Labour Free Zone Programme. It also requests the Government to continue to provide information on the measures taken to strengthen the capacity and expand the reach of the labour inspectorate regarding children working in the informal sector and on the number of children engaged in child labour identified. Lastly, the Committee requests the Government to provide information on the number and nature of violations detected and penalties applied with regard to the employment of children and young persons.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

Articles 3(a) and 7(2)(a) and (b) of the Convention. Worst forms of child labour and effective and time-bound measures. Sale and trafficking of children and prevention, assistance and removal from the worst forms of child labour. Following its previous comments, the Committee notes the Government's information in its report that the Women and Children Abuse Investigation Range of the Sri Lanka Police which encompasses several institutions including the Special Police Investigation Unit located at the National Child Protection Authority (NCPA), 45 Divisional Children and Women Bureaus and 602 Children and Women Desks established in Police Stations nationwide, is instrumental in combating child trafficking. In addition, the "Human Trafficking, Smuggling, and Maritime Crimes Investigation Division", established within the Criminal Investigation Department, concentrates on investigating and combating human trafficking, smuggling, and related offenses. The Government also states that a Border Surveillance Unit (BSU) and the Border Risk Assessment Centre (BRAC) have been established to identify potential human smugglers and traffickers and victims at the country's border, especially at the Bandaranaike International Airport. The Government further indicates that from 2021 up to September 2023, 22 cases of trafficking of children were identified by the special unit in the police.

The Committee further notes the information from the International Organisation for Migration (IOM) that the IOM has launched a three-year project entitled "Strengthening Government and CSO Capacity to Combat Trafficking in Persons and Create Greater Impact" (IMPACT) in July 2022. The IMPACT project aims to strengthen national and local/community level capacities and scale up community driven responses to effectively combat and respond to trafficking in persons and contribute to the effective implementation of the National Strategic Action Plan (NSAP 2021–2025) to Monitor and Combat Human Trafficking. ***While noting the measures taken by the Government, the Committee requests the Government to indicate the specific measures taken to ensure that perpetrators of trafficking of children are subject to thorough investigations and prosecutions. It also requests the Government to provide statistical information on the number and nature of offences reported, investigations, prosecutions, convictions and penal sanctions imposed on perpetrators of trafficking of children under 18 years of age. Lastly, it requests the Government to continue to provide information on the number of child victims of trafficking who have been identified and withdrawn from this worst forms of child labour as well as provided with assistance for their rehabilitation and social integration.***

Clause (b). Use, procuring or offering of a child for prostitution, the production of pornography or pornographic performances. In its previous comments, the Committee noted the Government's indication in its report to the Committee on the Rights of the Child (CRC) under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC), that issues pertaining to child prostitution and child pornography are critical, with increasing access to information and communication. It further observed that the CRC expressed concern at the low prosecution rates and a high number of pending cases, and reports of official complicity in relation to cases of child prostitution and child pornography.

The Committee notes the information provided by the Government on the initiatives undertaken to prevent child prostitution and child pornography, including: (1) conducting comprehensive public awareness campaigns in collaboration with relevant stakeholders, including educational initiatives targeting school children and their parents; (2) the establishment of the Women and Children Abuse Investigation Range (WCAIR) which plays a pivotal role in effectively detecting, investigating, and prosecuting cases related to child prostitution and child pornography; and (3) the establishment of the 24/7 Hotline under the Bureau for the Prevention of Abuse of Children and Women (BPACW) that serves as an effective platform for receiving, investigating, and prosecuting cases of child prostitution and child pornography. The Government also indicates that the WCAIR is being integrated with INTERPOL's ICSE Database and NCMEC CyberTipline which would enhance the WCAIR's capabilities in conducting investigations and prosecuting individuals suspected of engaging in activities such as using, procuring or offering children for prostitution, the production of pornography, or pornographic performances. The Committee also notes the statistical information provided by the Government on the investigations carried out under the Penal Code. Accordingly, from 2021 to May 2023, 25 offences under section 286A (obscene publication, exhibition relating to children); 27 offences under section 360A (procuration); and 31 offences under section 360B (sexual exploitation of children), were investigated. It further notes that according to the statistics from the National Child Protection Authority, in 2023, 6, 20 and 8 cases were reported under sections 286A, 360A and 360B respectively. ***The Committee requests the Government to continue taking effective measures to combat child prostitution and child pornography, including within the framework of the WCAIR, following its integration with the INTERPOL Database and CyberTipline, and to provide information on the impact of such measures in effectively detecting, investigating, and prosecuting cases related to child prostitution and child pornography. It also requests the Government to continue to provide information on the number of investigations carried out for the offences related to the use, procuring or offering of children under 18 years for prostitution or pornography, in particular under sections 286A, 360A and 360B of the Penal Code, as well as to provide specific information on the prosecutions, convictions and penalties imposed for such offences.***

Clause (d) and Article 4(3). Hazardous work and revision of the list of hazardous types of work. The Committee previously requested the Government to pursue its efforts to ensure that children under 18 years of age are not engaged in work that is harmful to their health, safety or morals as well as to ensure the adoption of the draft regulation revising the list of hazardous occupations prohibited to persons under the age of 18 years.

The Committee notes with ***satisfaction*** that the Hazardous Occupations Regulations No. 01 of 2021 which expanded the list of prohibited work for young persons to 71 specific sectors has been adopted pursuant to section 20A (which prohibits the employment of children under the age of 18 years in hazardous occupations) of the Employment of Women, Young Persons and Children Act, No. 47 of 1956. The Committee notes that the list of hazardous occupations under this regulation now includes domestic work; work in a spa; involvement with computer or electronic devices that are harmful to psychological well-being or online access; work involving high voltage electrical wire lines; participation in performances involving flammable substances or fire; and occupations deemed harmful to health, safety, or morals in the context of movies, teledramas, or any other printed, transmitted, or published material. ***The Committee requests the Government to provide information on the implementation of the Hazardous Occupations Regulation No. 01/2021, including the number and nature of violations detected regarding young persons engaged in hazardous work.***

Articles 6 and 7(2)(a) and (b). Programmes of action and effective time bound measures for prevention, assistance and removal of children from the worst forms of child labour. Commercial sexual exploitation of children. In its previous comments, the Committee noted the Government's indication in its Policy on Elimination of Child Labour in Sri Lanka that the sexual exploitation of children among young boys (the "beach boy" phenomenon) in tourism is of high concern because of the rapid increase in tourism and the willingness to expand it further. It also noted that the CRC, in its concluding observations under the

OPSC, expressed concern about reported cases of parents encouraging children, particularly girls, to enter the sex industry (CRC/C/OPSC/LKA/CO/1, paragraph 19).

The Committee notes the Government's indication that the Department of Probation and Child Care Services (DPCCS) has drafted nine Provincial Action Plans to implement the National Alternative Care Policy for Children, approved in March 2019 with the direct participation of the respective Provincial Council Officials. This policy addresses child victims of sexual exploitation along with measures to ensure the protection and overall wellbeing of children. The Government also indicates that the National Child Protection Authority is actively implementing preventive measures to reduce the number of children who fall victim to commercial sexual exploitation, including through conducting various awareness-raising programmes targeting plantation sector workers, school children and hotel owners in the tourism sector. The Committee, however, notes the Government's statement that Sri Lanka faces challenges related to the commercial sexual exploitation of children, which includes child sex trafficking, child sex tourism, and other forms of exploitation. The coastal areas and tourist destinations are particularly vulnerable due to the influx of tourists and the potential for anonymity. In this regard, the Committee notes from the End of Mission Statement by the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on his country visit to Sri Lanka (26 November–3 December 2021) that girls and boys are sexually exploited in the tourism sector. ***The Committee urges the Government to take immediate and effective time-bound measures to remove child victims of commercial sexual exploitation from this worst form of child labour and to provide for their rehabilitation and social integration. It requests the Government to provide information on the measures taken in this regard and on the results achieved in terms of the number of children removed from this worst form of child labour and rehabilitated and socially integrated.***

The Committee is raising other matters in a request addressed directly to the Government.

Suriname

Minimum Age Convention, 1973 (No. 138) (ratification: 2018)

Previous comment

Article 1 of the Convention. National policy for the effective abolition of child labour. The Committee previously noted the adoption of a National Action Plan on Child Labour for the period 2019–24 and requested the Government to provide information on its implementation.

The Committee notes that the Government has not provided the information requested on the measures taken under its National Action Plan. At the same time, it notes that the ILO Decent Work Country Programme (DWCP) for Suriname 2023–2026 refers to the development of an accelerated action plan on child labour, for focused implementation during the 2023–26 period, with a view to achieving the priorities set up in the National Action Plan on Child Labour. An accelerated action plan aims at joining efforts at local, national, and regional levels to influence the structural causes that promote the incorporation of children into work (Regional Initiative, 2022). Moreover, the DWCP refers to the development of a national referral system on child labour, activities to promote operational collaboration among key actors for the prevention of child labour, and the implementation of a sustainable approach to data collection and analysis on child labour in high-risk geographical areas. ***The Committee once again requests the Government to continue to take measures, including within the framework of the National Action Plan on Child Labour, to ensure the progressive elimination of child labour and to provide information on the results achieved. The Committee also requests the Government to provide updated statistical information (where possible disaggregated by age and sex), on the nature, extent, and trends of child labour in the country, including in the informal economy.***

Article 2(3). Age of completion of compulsory education. In relation to the Committee's request to raise the age of completion of compulsory education (12 years) to the age for admission to employment

(16 years), the Committee takes due note that the Government indicates that the draft Primary Education and Supervision Act, which establishes compulsory education from the age of 4 to the age of 16, has been submitted to the National Assembly in December 2019. ***The Committee expresses the firm hope that the legislative proposals, aimed at raising the age of completion of compulsory education to the minimum age for admission to employment, will be adopted without delay.***

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2006)

Previous comment

Articles 3(d) and 7(1) of the Convention. Worst forms of child labour, penalties and labour inspection. Child labour in informal mining. For a number of years, the Committee has been observing the increased prevalence of child labour in small-scale gold mining. In this regard, it requested the Government to take measures to strengthen the capacities of the labour inspection to identify and address situations of hazardous child labour in that sector. The Committee notes the Government's indication that there have been no official reports made to the labour inspection concerning children from the age of 16 years working in hazardous work. The Government also recognizes that gaps exist within the operation of bodies in charge of enforcement laws on child labour. The Committee notes from the Government's report under the Labour Inspection Convention, 1947 (No. 81), that the Labour Inspectorate is hampered by a lack of transportation facilities, so that it cannot carry out sufficient field work.

The Committee further notes that, according to a 2023 report of the Department against Transnational Organized Crime of the Organization of American States concerning mining in Suriname, cases have been documented of hazardous child labour that often accompany illicit mining, which takes place in the interior of the country (OAS DTCO, *On the trail of illicit gold proceeds*, Suriname, 2023). It also notes that, within the framework of the ILO Decent Work Country Programme (DWCP) for Suriname 2023–2026, technical training and tools are to be developed and implemented to support the labour inspectorate's interventions in high risk sectors, including gold mining.

The Committee requests the Government to take the necessary measures to ensure that no child is engaged in hazardous work in mining, including by strengthening the capacities of the labour inspectorate to conduct visits in regions where informal mining is prevalent. In this regard, it requests the Government to provide detailed information on the number of visits carried out by the Labour Inspectorate in mining undertakings, including in the informal economy, as well as information of the violations detected, and penalties applied.

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. The Committee notes that, according to information of the Ministry of Education which is reflected in a press release of UNICEF of 1 February 2024, between 2019 and 2021, there was a decline of about 2,000 children enrolled in primary education, going from 88,071 to 79,827. The out-of-school primary education rate increased to a high of 15.7 per cent in 2021 compared to 6.1 per cent in 2019. Lower secondary also saw an increase of out-of-school children of 48.7 per cent in 2021. Moreover, evidence shows greater losses among students in the lowest socioeconomic levels and marginalized communities, such as Suriname's interiors, with extended school closures due to emergency hazards such as flooding and droughts. The Committee ***regrets*** the lack of information in the Government's report on measures taken to facilitate access to free basic education by all children, as a means to prevent their engagement in the worst forms of child labour.

The Committee recalls that education is key in preventing children from falling into the worst forms of child labour. ***Therefore, it strongly urges the Government to take all necessary measures to ensure that children have access to free basic education, including in remote areas. In this regard, the Committee also requests the Government to take measures to improve school retention and completion rates at both primary and lower secondary education levels. Lastly, the Committee***

requests the Government to provide updated statistical information on the school enrolment, attendance, and completion rates at both primary and lower secondary levels.

The Committee is raising other matters in a request addressed directly to the Government.

Syrian Arab Republic

Minimum Age Convention, 1973 (No. 138) (ratification: 2001)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Application of the Convention in practice. The Committee previously noted that the ongoing conflict in the Syrian Arab Republic has had an alarming impact on children. It noted that the number of children affected by armed conflict in the Syrian Arab Republic has more than doubled, going from 2.3 million to 5.5 million, and the number of children displaced inside the Syrian Arab Republic has exceeded 3 million.

The Committee takes note of the Government's information in its report on the provisions of national legislation that give effect to the provisions of the Convention. However, the Committee notes that, according to the 2015 UNICEF report entitled "Small Hands, Heavy Burden: How the Syria Conflict is Driving More Children into the Workforce", four and a half years into the crisis, as a result of the war, many children are involved in economic activities that are mentally, physically or socially dangerous and which limit or deny their basic right to education. The report indicates that there is no shortage of evidence that the crisis is pushing an ever-increasing number of children towards exploitation in the labour market. Some 2.7 million Syrian children are currently out of school, a figure swollen by children who are forced to work instead. Children in the Syrian Arab Republic were contributing to the family income in more than three quarters of households surveyed. According to the report, the Syria crisis has created obstacles to the enforcement of national laws and policies to protect children from child labour, one of the reasons being that there are too few labour inspectors. In addition, there is often a lack of coherence between national authorities, international agencies and civil society organizations over the role of each, leading to a failure in national mechanisms to address child labour.

The Committee notes the Government's information in its 5th periodic report submitted to the Committee on the Rights of the Child published on 10 August 2017 (CRC/C/SYR/5, para. 203), that the Ministry of Social Affairs and Labour (MoSAL), in collaboration with the Syrian Authority for Family and Population Affairs (SAFPA) and in cooperation with other stakeholders, developed a National Plan of Action for the Elimination of the Worst Forms of Child Labour (NPA-WFCL). The Government also indicates that, in collaboration with UNICEF, the SAFPA conducted a survey on the worst forms of child labour in two industrial towns, Hassia in Homs and Haouch el Blas in Damascus.

While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country, the Committee must once again express its ***deep concern*** at the situation of children in the Syrian Arab Republic who are affected by the armed conflict and driven into child labour, including its worst forms. ***The Committee urges the Government to take immediate and effective measures in the framework of the implementation of the NPA-WFCL to improve the situation of children in the Syrian Arab Republic and to protect and prevent them from child labour. It requests the Government to provide information on the results achieved, as well as the results of the surveys conducted in Hassia and Haouch el Blas.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2003)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the

examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 3 of the Convention. Worst forms of child labour. Clause (a). All forms of slavery or similar practices. Forced recruitment of children for use in armed conflict. The Committee previously noted that the Syrian Arab Republic had adopted a series of legislative reforms such as Law No. 11/2013 which criminalizes all forms of recruitment and the use of children under the age of 18 years by armed forces and armed groups. It noted, however, that numerous armed groups in the Syrian Arab Republic, including the Free Syrian Army affiliated groups (FSA), the Kurdish People Protection Units (YPG), Ahrar al-Sham, Islamic State in Iraq and Sham/the Levant (ISIS/ISIL) and other armed groups were reportedly recruiting and using children for logistics, handling ammunition, manning checkpoints and as combatants.

The Committee notes the Government's indication in its report that armed terrorist groups recruit children and involve them in violence and exploit them sexually. The Committee notes that, according to the report of the Secretary-General on the situation of human rights in the Syrian Arab Republic of 9 June 2016 (A/70/919, paragraphs 50–52), from early 2015, UNICEF verified 46 cases of recruitment (43 boys, one girl, two unknown): 21 were attributed to ISIL, 16 to non-state armed opposition groups, five to armed groups affiliated with the Government, two (including a girl) to YPG, and two to government forces. UNICEF reported that children were increasingly recruited at younger ages (some as young as 7 years old) by non-state armed groups. Children's participation in combat was widespread and some armed opposition groups forced children to carry out grave human rights abuses, including executions and torture, while government forces allegedly submitted children to forced labour or used them as human shields. The Secretary-General also refers to reports from the OHCHR, according to which ISIL publicly announced, on 11 December 2015, the already known existence of a children's section among its ranks, the "Cubs of the Caliphate". The OHCHR also received allegations that ISIL was encouraging children between 10 and 14 years of age to join, and that they were training children in military combat.

The Committee further notes that, according to the report of the Secretary-General on children and armed conflict of 20 April 2016 (2016 report of the Secretary-General on children and armed conflict, A/70/836-S/2016/360, paragraphs 148–163), a total of 362 cases of recruitment and use of children were verified (the Secretary-General indicates that the figures do not reflect the full scale of grave violations committed by all parties to the conflict), and attributed to ISIL (274), the Free Syrian Army and affiliated groups (62), Liwa' al Tawhid (11), popular committees (five), YPG (four), Ahrar al-Sham (three), the Nusrah Front (two) and the Army of Islam (one). Of the verified cases, 56 per cent involved children under 15 years of age, which represents a significant increase compared with 2014. The Secretary-General further indicates that the massive recruitment of children by ISIL continued, and that centres in rural Aleppo, Dayr al-Zawr and rural Raqqah existed that provided military training to at least 124 boys between 10 and 15 years of age. Verification of the use of child foreign fighters increased as well, with 18 cases of children as young as 7 years of age. In addition, the recruitment and use of children as young as 9 years of age by the Free Syrian Army was also verified, as well as the recruitment of 11 Syrian refugee children from neighbouring countries by Liwa' al-Tawhid, and the YPG continued to recruit boys and girls as young as 14 years of age for combat roles. Recruitment and use by pro-government groups was also verified, with five cases of boys being recruited by the Popular Committee of Tallkalah (Homs) to work as guards and conduct patrols. In addition, there were allegations of the use of children by government forces to man checkpoints.

The Committee must once again ***deeply deplore*** the use of children in armed conflict in the Syrian Arab Republic, especially as it entails other violations of the rights of the child, such as abductions, murders and sexual violence. It once again recalls that, under *Article 3(a)* of the Convention, the forced or compulsory recruitment of children under 18 years of age for use in armed conflict is considered to be one of the worst forms of child labour and that, under *Article 1* of the Convention, member States must take immediate and effective measures to secure the elimination of the worst forms of child labour as a matter of urgency. ***While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country, the Committee once again strongly urges the Government to take measures, using all available means, to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children under 18 years of age into armed forces and groups. The Committee once again urges the Government to take immediate and effective measures to ensure that thorough investigations and robust prosecutions of all persons who forcibly recruit children under 18 years of age for use in armed conflict are carried out, and that sufficiently effective and dissuasive***

penalties are imposed in practice, pursuant to Law No. 11 of 2013. It requests the Government to provide information on the number of investigations conducted, prosecutions brought and convictions handed down against such persons.

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. The Committee previously noted that, with approximately 5,000 schools destroyed in the Syrian Arab Republic, the resulting sharp decline in children's education continued to be a matter of great concern among the population. This report also indicated that more than half of Syrian school-age children, up to 2.4 million, were out of school as a consequence of the occupation, destruction and insecurity of schools.

The Committee notes that, according to the 2016 report of the Secretary-General on children and armed conflict (paragraph 157), the number of schools destroyed, partially damaged, used as shelters for internally displaced persons or rendered otherwise inaccessible has reached 6,500. The report refers to information from the Ministry of Education, according to which 571 students and 419 teachers had been killed in 2015, and from the United Nations that 69 attacks on educational facilities and personnel were verified and attributed to all fronts, which killed and maimed 174 children. The Committee further notes that, according to the report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic of 5 April 2016 (A/HRC/32/35/Add.2, paragraphs 50–53), a further 400,000 children were at risk of dropping out of school as a direct result of conflict, violence and displacement. While basic education facilities were in place in the displacement centres visited by the Special Rapporteur, such centres, often using school buildings, offer only limited educational facilities.

According to the same report, UNICEF is working with local partners to reach some 3 million children and has implemented an informal education programme to reduce the number of children out of school. The inter-agency initiative "No Lost Generation" is a self-learning programme aimed at reaching 500,000 children who missed out on years of schooling. In areas hosting high numbers of displaced children, UNICEF is also rehabilitating 600 damaged schools and creating 300 prefabricated classrooms to accommodate 300,000 additional children. The Committee further notes that, according to UNICEF's 2016 Annual Report on the Syrian Arab Republic, UNICEF's interventions in education, focusing on quality, access and institutional strengthening, contributed to an increase in school enrolment from 3.24 million children (60 per cent of school-age population) to 3.66 million (68 per cent) between 2014–15 and 2015–16. These efforts also resulted in a decrease in the number of out-of-school children from 2.12 million (40 per cent) in 2014–15 to 1.75 million (32 per cent) in 2015–16.

Nevertheless, the Committee notes that, in his report, the Special Rapporteur on the human rights of internally displaced persons declares that the challenge of providing even basic education access to many internally displaced children is immense and many thousands of children are likely to remain out of education in the foreseeable future (A/HRC/32/35/Add.2, paragraph 53). The Committee is, therefore, once again bound to express its ***deep concern*** at the large number of children who are deprived of education because of the climate of insecurity prevailing in the country. ***While acknowledging the difficult situation prevailing in the country, the Committee urges the Government to strengthen its efforts and take effective and time-bound measures to improve the functioning of the educational system in the country and to facilitate access to free basic education for all Syrian children, especially in areas affected by armed conflict, and giving particular attention to the situation of girls. It requests the Government to provide information on concrete measures taken in this regard.***

Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from such work and ensuring their rehabilitation and social integration. 1. *Children affected by armed conflict.* The Committee previously noted that the recruitment and use of children in armed conflict in the Syrian Arab Republic had become common and that a great majority of the children recruited are trained, armed and used in combat.

The Committee notes the Government's indication that the competent authorities in the Syrian Arab Republic seek to care for children recruited in armed conflict and to help them return to ordinary life. However, the Committee notes with ***deep concern*** that the situation in the Syrian Arab Republic has not changed and that not only are there no reports of children having been withdrawn from armed forces and groups in the 2016 report of the Secretary-General on children and armed conflict but that, according to this report, children continue to be recruited and used in armed conflict. ***The Committee, therefore, strongly urges the Government to take effective and time-bound measures to prevent the engagement of children***

in armed conflict and to rehabilitate and integrate former child combatants. It once again requests the Government to provide information on the measures taken in this regard and on the number of children rehabilitated and socially integrated.

2. *Sexual slavery.* The Committee previously noted that ISIS abducted hundreds of Yazidi women and girls, most of whom were sold as "war booty" or given as "concubines" to ISIS fighters, and that dozens of girls and women were transported to various locations in the Syrian Arab Republic, including Al Raqqah, Al Hasakah and Dayr az Zawr, where they were kept in sexual slavery.

The Committee notes with ***regret*** the absence of information in the Government's report on this issue. It notes that, according to the report of the Independent International Commission of Inquiry on the Syrian Arab Republic of 15 June 2016 entitled "They came to destroy: ISIS Crimes Against the Yazidis" (A/HRC/32/CRP.2), ISIS has sought to destroy the Yazidis through such egregious human rights violations as killings, sexual slavery, enslavement, torture and mental harm. The report indicates that over 3,200 women and children are still held by ISIS. Most are in the Syrian Arab Republic where Yazidi girls continue to be sexually enslaved and Yazidi boys indoctrinated, trained and used in hostilities. The report reveals that captured Yazidi women and girls over the age of 9 years are deemed the property of ISIS and are sold in slave markets or, more recently through online auctions, to ISIS fighters. While held by ISIS fighters, these Yazidi women and girls are subjected to brutal sexual violence and regularly forced to work in their houses, in many instances forced to work as domestic servants of the fighter and his family. The Committee ***deeply deplores*** the fact that Yazidi children continue to be victims of sexual slavery and forced labour. ***While acknowledging the difficult situation prevailing in the country, the Committee strongly urges the Government to take effective and time-bound measures to remove Yazidi children under 18 years of age who are victims of forced labour and sexual exploitation and to ensure their rehabilitation and social integration. It once again requests the Government to provide information on specific measures taken in this regard, and the number of children removed from sexual exploitation and rehabilitated.***

Clause (d). Identifying and reaching out to children at special risk. Internally displaced children. The Committee previously noted that, by early 2013, there were 3 million children displaced and in need of assistance inside the Syrian Arab Republic.

The Committee notes that, according to the report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic of 5 April 2016 (A/HRC/32/35/Add.2, paragraph 67), the extent of the conflict and displacement has had a massive impact on children, many of whom have experienced violence first-hand and/or witnessed extreme violence, including the killing of family members and/or separation from family members. The Special Rapporteur indicates that child protection concerns and issues, including child labour resulting from parents' loss of livelihood, trafficking, sexual and gender-based violence and early and forced marriage, continue to be reported. Children have also been recruited and used by different parties to the conflict, both in combat and support roles. ***Observing with concern that internally displaced children are at an increased risk of being engaged in the worst forms of child labour, the Committee once again strongly urges the Government to take effective and time-bound measures to protect these children from the worst forms of child labour. It requests the Government to provide information on the measures taken in this regard and on the results achieved.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Thailand

Minimum Age Convention, 1973 (No. 138) (ratification: 2004)

Previous comment: observation

Previous comment: direct request

Article 1 of the Convention. National policy, labour inspection and application of the Convention in practice. The Committee notes, from the Government's report on the application of the Worst Forms of Child Labour Convention (No. 182), 1999, the adoption of the National Policy for the Elimination of the

Worst Forms of Child Labour (2021–22), and its Action Plan 2023–27. It further notes the Government's indication, in its report, that it is taking various measures to eliminate child labour, namely that: (1) it organizes an annual campaign for the World Day Against Child Labour to foster knowledge and understanding of child labour and address this issue among various stakeholders, including children, employers, workers, and the public; (2) the Department of Labour Protection and Welfare (DLPW) prepared and published Guidelines on Good Labour Practices for business establishments which specifically recall the prohibition of employment of children under the age of 15 years and of children under the age of 18 years in hazardous types of work (including shrimp farms and for home-based work); (3) it signed a Memorandum of Understanding (MOU) in March 2021, with representative agencies in the shrimp, fish, sugarcane, and textile industries and civil society, to cooperate in preventing and addressing child labour and forced labour issues in relevant sectors; and (4) it appointed a subcommittee to monitor and collect information on preventing and addressing child labour in the shrimp, fish, sugarcane and garment industries, with the aim of compiling fundamental information about working children and child labour within these sectors, to enhance the effectiveness of measures taken to prevent and address child labour.

Among the measures taken by the Government to strengthen the capacity of labour inspectors, the Committee notes that: (1) the Ministry of Labour organized a workshop for labour inspectors to address child labour and forced labour with the objective of promoting knowledge and enhancing the capabilities of officials; (2) in June 2022, the DLPW organized a training session to better equip labour inspectors with the knowledge, understanding, and legal practices which are necessary to become experts in the agricultural sector and better detect child labour; (3) in July 2023, the Department of Fisheries organized a capacity-building seminar for officials to better prosecute cases of child labour in this sector; (4) since 2016, in order to strengthen the potential of labour inspectors, the DLPW created a network in 34 provinces to protect labour rights; (5) there are a total of 2,782 members of the Labour Protection Network, whose role is to report cases to a hotline service; and (6) since 2016, 224 cases involving violations of child labour laws were reported, most of which (185 cases) related to the absence of notification of employment of working children between 15 and17 years of age.

The Committee further takes note of the detailed data provided by the Government on the number of inspections undertaken in business establishments, in agricultural business establishments and home-based employers, as well as the number of violations found and the fines imposed. More specifically, for the period 2019–22, it notes that: (1) legal proceedings were initiated against 38 establishments and 89 individuals for the illegal employment of children under 15 years of age, in breach of section 44 of the Labour Protection Act, 1998. Among these, 17 fines were issued for a total amount of 800,000 Thai baht (approximately US$20,000 dollars); (2) 32 legal proceedings were initiated against 74 establishments and 167 individuals for failure to notify the employment or termination of employment of a child employee, in breach of section 45 of the Labour Protection Act, 1998. Among these, 47 fines were issued, for a total amount of 252,333 baht (approximately US$7,000 dollars); (3) no case was found relating to the employment of a child under the age of 18 years in prohibited work, in accordance with section 49 of the Labour Protection Act; and (4) legal proceedings were initiated against 20 establishments and 44 individuals for the employment of a child under the age of 18 years in prohibited places and establishments, including slaughterhouses, gambling places, and service establishments, in breach of section 50 of the Labour Protection Act, 1998. Fines were imposed in 13 of these cases for an unspecified amount. ***The Committee requests the Government to pursue its efforts to identify and combat child labour, and to continue to provide information on: (i) the measures taken by the subcommittee to monitor and collect information on preventing and addressing child labour; (ii) the measures taken, and results achieved, following the signature of the MOU in 2021; (iii) the number and nature of violations detected by the labour inspectorate and the penalties applied; and (iv) statistical data on the nature, extent, and trends of child labour, indicating the sectors of economic activity where child labour is more prevalent.***

Articles 2(1) and 3(1). Scope of application and hazardous work. The Committee previously observed that self-employed children and children working in the informal economy did not benefit from the protection of the Labour Protection Act, 1998, including provisions relating to minimum age and hazardous work. In this regard, it noted that section 21 of the Home Workers Protection Act, 2010, provides protection for informal workers in the industrial sector and lists four types of work prohibited to all homeworkers, including children under the age of 18 years, such as: (1) works involving hazardous materials; (2) works carried out with the use of tools or machines, the vibration of which may be hazardous to the persons performing the works; (3) works involving extreme heat or cold; and (4) other works which may affect the health and safety of the worker or quality of the environment. The Committee had also noted that the nature or types of works referred to under section 21 shall be prescribed by ministerial regulation and had asked the Government to provide information on the adoption of this Regulation.

The Committee notes the Government's indication that it adopted, in April 2021, the Ministerial Regulation on Prohibited Work for Home Workers, B.E. 2564 (2021), pursuant to section 21 of the Home Workers Protection Act. The Ministerial Regulation outlines two types of works that employers are prohibited from contracting individuals to perform at home: (1) works involving extreme heat, including works that cause or involve temperatures exceeding an average of 34 degrees Celsius during a consecutive two-hour period; and (2) works that may affect health, safety, or environmental quality, including work involving bandsaws and work that generates loud noise level exceeding 85 decibels over an eight-hour work period.

The Committee further recalls that the National Children Working Survey of 2018 highlighted that a majority of children are involved in child labour in the agricultural sector or in own-account work. In this regard, it notes that the Government does not provide information on the measures taken to ensure that children engaged in informal sectors or in own-account work benefit from the protection of the Convention. ***The Committee therefore requests the Government to take the necessary measures to ensure that all children working in the informal economy, including in the agricultural sector or in own-account work, benefit from the protection provided by the Convention. It also requests the Government to provide information on the application in practice of the Ministerial Regulation on Prohibited Work for Home Workers, B.E. 2564 (2021), more particularly on the number of violations detected relating to the engagement of children under the age of 18 years for home-based work in the prohibited types of works listed above, and the penalties imposed.***

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment: observation

Previous comment: direct request

Articles 3(a), 5 and 7(1) of the Convention. Worst forms of child labour, monitoring mechanisms and penalties. Trafficking. In reply to its previous comments, the Committee notes the detailed information contained in the Government's report on the measures taken to prevent and combat trafficking in children. More specifically, the Government indicates that: (1) it adopted and started implementing the Action Plan for Preventing and Addressing Human Trafficking Issues to Support the National Strategy (2018–2037), whose main objective is to enhance the capacities of officials to effectively enforce laws, to be responsive to changes, and effectively manage vulnerable workers to prevent and address human trafficking issues; (2) a specialized task force has been established to provide support for the prosecution of trafficking cases, as requested from regional authorities, with a specific emphasis on labour-related crime investigations; (3) in May 2021, the Office of the Attorney General established a working group to develop a child-friendly justice system among public prosecutors working with child victims of trafficking, with a view to enhancing cooperation from child victims; (4) in 2021, the Anti-

Human Trafficking Division published the "Operational Manual for Protecting the Welfare of Victims from Human Trafficking, for Shelter of Victims of Human Trafficking", establishing standard operating procedures; and (5) in September 2021, the Department of Special Investigation established the Centre for monitoring and inspecting government officials involved in human trafficking, to investigate and address illegal acts related to human trafficking involving government officials.

The Committee further takes note of the extensive training activities undertaken by the Government to enhance the capacities of the labour inspectorate and other enforcement authorities to better identify and combat trafficking in children. Among the training activities, the Committee notes that: (1) in July 2021 and May 2022, the Department of Labour Protection and Welfare (DLPW) conducted trainings aimed to equip labour inspectors with essential knowledge and understanding of the law and law enforcement procedures. The trainings were aimed at enhancing their ability to analyse the nature of crimes related to human trafficking and child labour; (2) in 2021, an online seminar was organized for 260 participants with the aim of enhancing the efficiency of provincial police officers and other provincial authorities in dealing with cases involving victims of human trafficking; and (3) in August 2021, a Human Trafficking Investigation Seminar Project was launched, focusing on the professional development of officials engaged in investigating human trafficking cases, for a total of 200 participants.

The Committee also notes the Government's indication that, in 2021, measures were taken to address trafficking through arrests and law enforcement, including by undertaking inspections and follow-ups with relevant government officials who were found negligent or neglecting their duties. In total, investigations are in progress for 17 government officials identified in 2021 and 35 government officials identified in 2022. The Committee further takes note of the statistical data provided by the Government on trafficking cases, but it notes that the data is not disaggregated according to the age of the victim: (1) in 2021, 180 cases of trafficking identified, 162 cases prosecuted and 66 convictions; (2) in 2022, 347 cases of trafficking identified, 322 cases prosecuted and 174 convictions; (3) 8 cases were dismissed in 2021 and 21 cases dismissed in 2022; and (4) 75 persons were sentenced to prison terms ranging from a few months to more than ten years for trafficking in 2021 and 182 persons were sentenced to prison terms ranging from one year to more than ten years in 2022.

The Committee welcomes the information provided by the Government; however, it notes, from the concluding observations of the United Nations Committee on the Elimination of Racial Discrimination (CERD), the concerns about the prevalence of trafficking in persons and related violations, especially about cases that involve child labour, particularly in fishing, agriculture, tourism and domestic work. The CERD also expressed concern about the prevalence of corruption and official complicity in trafficking cases (CERD/C/THA/CO/4-8, 20 February 2022, paragraph 29). ***While noting the measures taken by the Government, the Committee requests the Government to continue taking the necessary steps to ensure that thorough investigations and prosecutions of perpetrators of the sale and trafficking of children, including government officials suspected of complicity and corruption, are carried out and completed, and to ensure that sufficiently effective and dissuasive penalties are imposed. In this regard, it requests the Government to provide information on: (i) the activities of the Centre for monitoring and inspecting government officials involved in child trafficking; (ii) the outcomes of the ongoing investigations relating to the government officials who were identified in 2021 and 2022; and (iii) the number of reported violations, investigations, prosecutions, convictions and penal sanctions imposed in cases relating specifically to the trafficking of children.***

Children engaged in prostitution. The Committee notes the Government's indication that it has been implementing, since 2019, the Child Safe Friendly Tourism Project, an initiative aimed at creating a safe tourism environment and developing "Tourism standards" to eliminate the commercial sexual exploitation of children. The Government also refers to the existence of the Children's Advocacy Centre Thailand (CAC), which is comprised of a total of five centres, primarily focused on assisting children and youths who have become victims of various forms of trafficking and child prostitution. Their efforts are

geared towards fostering cooperation among various agencies to effectively address child prostitution issues within the jurisdiction of the Metropolitan Police Headquarters and Provincial Police Regions.

The Committee further notes the Government's statement that two individuals were arrested for the offenses of human trafficking for the purpose of child prostitution, which led to the protection of five victims. The Committee notes that the number of arrests for child prostitution appears to be low. ***It therefore urges the Government to step up its efforts to ensure that persons who use, procure or offer children under 18 for prostitution are subject to thorough investigations and prosecutions and that sufficiently effective and dissuasive penalties are imposed in practice. In this regard, the Committee requests the Government to continue to provide statistical information on the number and nature of violations reported, including on the investigations, prosecutions, convictions and penalties imposed in this respect. It also requests the Government to indicate if the two arrests that were made led to investigations, prosecutions and convictions.***

Articles 3(c) and 7(1) and (2). Worst forms of child labour, penalties and effective and time-bound measures. Providing the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour, and for their rehabilitation and social integration. Use, procuring or offering of a child for illicit activities, in particular, for the production and trafficking of drugs. The Committee notes the Government's indication that, under section 128 of the Narcotics Code (2020), it is an aggravating circumstance to use deceit, threat, force, or any other illegal means to induce another person to commit a drug-related offence (section 128). It also notes, from the Government's information, that in 2020, 3,070 children were rescued from "producing or trafficking drugs"; in 2021, 3,157 children were withdrawn from this worst form of child labour; and 860 were withdrawn in 2022. The Committee takes due note of this information. However, it notes that the Government does not provide information on: (1) the measures taken to ensure that children under the age of 18 years used for the production and trafficking of drugs are treated as victims rather than offenders; and (2) the actions undertaken against persons who engage children in such activities. ***The Committee therefore urges the Government to take the necessary measures to ensure that: (i) children who are used, procured or offered for the production and trafficking of drugs are treated as victims rather than offenders; and (ii) persons who engage children under the age of 18 years for the production or distribution of drugs are subjected to thorough investigations and robust prosecutions and that sufficiently effective and dissuasive penalties are imposed on them in practice. It requests the Government to provide information on: (i) all measures taken or envisaged in this regard; (ii) the number of investigations and prosecutions carried out and penalties imposed; and (iii) the types of direct assistance provided to children who have been removed from this worst form of child labour to ensure their rehabilitation and social integration.***

Article 7(2)(b). Providing the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour, and for their rehabilitation and social integration. Child victims of trafficking and commercial sexual exploitation. The Committee notes the Government's information on the adoption, in 2022, of the Action Plan on National Referral Mechanisms, Case Management, and Assistance and Protection of Victims of Human Trafficking and Forced Labour or Service, which contains the following key components: (1) Standards Operating Procedures (SOPs) defining the initial screening process, with a view to identifying potential victims of forced labour or labour trafficking; (2) a National Referral Mechanism which coordinates and refers victims to appropriate support services; and (3) a Reflection Period which provides time for victims to recover and receive necessary assistance. The Government also indicates that it established the National Human Trafficking Victim Identification Centre, which undertakes a screening and sorting process to identify potential victims of human trafficking.

The Committee further notes the Government's information on the Anti-Human Trafficking Fund. More specifically, it notes that: (1) the Fund is used to provide direct assistance to child victims of trafficking, such as medical care, legal support and accommodation, but also to provide financial compensation; (2) in 2021, 93 child victims received compensation from the Fund and 177 children were

rescued, for a total of 2,939,805 Thai baht; and (3) in 2022, 201 child victims received compensation from the Fund and 237 children were rescued, for a total of 2,123,537 baht.

The Committee notes the Government's indication that 81 child victims of trafficking were identified in 2020, 81 in 2021 and 88 in 2022. The Government further states that the Department of Children and Youth developed a system to coordinate the referrals of child victims of trafficking in 30 development and rehabilitation centres, which resulted in a total of 5,022 children receiving protection and welfare services.

While it takes due note of the measures taken by the Government, the Committee notes that the CERD, in its concluding observations of February 2022, expressed concern about the insufficient identification and referral measures for trafficking victims (CERD/C/THA/CO/4-8, paragraph 29). ***The Committee requests the Government to pursue its efforts to identify and rescue child victims of trafficking by providing for their rehabilitation and social integration. In this respect, the Committee requests the Government to continue to provide information on: (i) the number of child victims of trafficking under the age of 18 who have been identified and removed from this worst form of child labour; (ii) the number of child victims of trafficking who benefited from rehabilitation and social integration assistance; and (iii) the type of assistance provided to child victims.***

The Committee is raising other matters in a request addressed directly to the Government.

Trinidad and Tobago

Minimum Age Convention, 1973 (No. 138) (ratification: 2004)

Previous comment

Article 1 of the Convention. National policy. The Committee notes the Government's indication, in its report, that the National Child Policy 2020–30 is being implemented, and that the National Steering Committee for the Prevention and Elimination of Child Labour is developing an accelerated Action Plan for its implementation. However, the Committee notes that the Government does not provide information on the specific measures taken for the implementation of the National Child Policy, or on the results achieved so far. ***The Committee requests the Government to indicate the specific measures taken to implement the National Child Policy 2020–30, including by the National Steering Committee for the Prevention and Elimination of Child Labour through the accelerated Action Plan. It also requests the Government to provide detailed information on the impact of such measures and the results achieved towards the progressive elimination of child labour.***

Article 3(1) and (2). Minimum age for admission to, and determination of, hazardous work. ***With regard to the list of hazardous types of work prohibited to children under 18 years of age, the Committee refers to its comments under the Worst Forms of Child Labour Convention, 1999 (No. 182).***

Labour inspection and application of the Convention in practice. The Committee notes the Government's indication that the ILO provided support to the Ministry of Labour by facilitating a number of training programmes, including: (1) strategic compliance planning for labour inspectors; and (2) capacity-building for labour inspectors to effectively interview children found in child labour. The Committee also notes from the Government's report on the application of Convention No. 182, that the National Steering Committee for the Prevention and Elimination of Child Labour established four subcommittees to oversee critical activities, including a Subcommittee responsible for public awareness campaigns, capacity development and training of labour inspectors. The Committee takes note of the Government's statement that, for the period 2020–22, 89 cases of child labour were reported in the sectors of agriculture, retail, catering and construction (including in the informal economy).

The Committee further takes note of the information of the Government that the Gender and Child Affairs Division is working on a Multidimensional Child Poverty Analysis with the support of UNICEF, which will provide information on the nature of child labour in the country and form the basis

for the development and implementation of a Child Poverty Reduction Strategy. The Committee also notes the Multiple Indicator Cluster Survey (MICS) 2022, carried out with the collaboration of UNICEF, which highlights that, among the children surveyed, aged 5 to 17 years: (1) 4.2 per cent of children are engaged in an economic activity for a total number of hours at or above the age-specific threshold; (2) 0.1 per cent of children were involved in household chores for a total number of hours at or above the age-specific threshold; and (3) 2.7 per cent of children were engaged in hazardous work, including, but not limited to, exposure to dust, fumes or gas (1.6 per cent), exposure to loud noise or vibrations (0.8 per cent), exposure to extreme cold or heat (0.7 per cent) and carrying heavy loads (0.7 per cent). ***Noting that children continue to be engaged in child labour, including in hazardous work, the Committee requests the Government to strengthen its efforts to ensure the progressive elimination of child labour. The Committee also requests the Government to provide information on: (i) any training activities provided to labour inspectors by the Subcommittee of the National Steering Committee for the Prevention and Elimination of Child Labour; (ii) any activities undertaken by the labour inspectorate in the area of child labour including the number of labour inspections carried out, the number and nature of violations detected as well as the number of convictions and the type of sanctions imposed; (iii) any follow-up measures taken regarding the 89 cases of child labour identified by the labour inspectorate between 2020 and 2022, including any sanctions imposed; and (iv) the results of the Multidimensional Child Poverty Analysis. Lastly, the Committee requests the Government to continue to provide statistical information on the extent and nature of child labour in the country.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2003)

Previous comment: observation

Previous comment: direct request

Articles 3, 5 and 6 of the Convention. Worst forms of child labour, monitoring mechanisms, programmes of action and application of the Convention in practice. Trafficking, commercial sexual exploitation, and illicit activities. The Committee notes from the Government's report that the Counter Trafficking Unit (CTU), responsible for the reporting and handling of trafficking cases, reported 13 instances where minors were victims of trafficking for sexual exploitation between 2019 and 2023. The Government adds that, for the same period: (1) 13 persons were charged; (2) all matters are pending trial; and (3) there have been no convictions.

The Committee further notes, from the 2023 concluding observations of the United Nations Human Rights Committee on the International Covenant on Civil and Political Rights (CCPR), the adoption of the National Plan of Action against Trafficking in Persons 2021–2025. However, the CCPR also expressed concerns about: (1) gaps in the identification of victims of trafficking in persons; (2) the low number of investigations, convictions and sanctions for perpetrators; and (3) reports that officials, including law enforcement officers, are complicit in trafficking in persons (CCPR/C/TTO/CO/5, 1 December 2023, paragraph 33). ***The Committee urges the Government to strengthen the capacity of the law enforcement officials to ensure that thorough investigations and prosecutions of perpetrators of child trafficking are carried out and that sufficiently effective and dissuasive penalties are imposed in practice, including against complicit law enforcement officers. It requests the Government to provide information on: (i) the convictions and penalties applied, including in the 13 cases of trafficking for sexual exploitation of children pending before the courts; (ii) the specific measures taken to ensure the protection of victims and the preservation of essential evidence required for the judicial process; and (iii) the specific measures taken within the framework of the National Plan of Action against Trafficking in Persons 2021–2025 to combat trafficking in children as well as the results achieved.***

Articles 3(d) and 4(1). Determination of hazardous work. The Committee notes the Government's statement that the National Steering Committee for the Prevention and Elimination of Child Labour established four Sub-Committees to oversee critical activities to prevent and protect children from

labour exploitation, including a Sub-Committee responsible for overseeing the development of a hazardous work list. The Government indicates that, with the technical assistance of the Office and following consultations with tripartite partners, the Sub-Committee responsible for overseeing the development of a hazardous work list has commenced activities to draft a list of hazardous types of work to be prohibited to children under 18 years of age. While it takes note of the Government's information, the Committee notes with ***regret*** that it has not yet adopted a list of hazardous types of work, despite ongoing efforts since 2004. ***The Committee therefore urges the Government to take all the necessary measures to ensure the adoption of the list of hazardous types of work prohibited to children in the very near future. It once again requests the Government to provide a copy of that list once it has been adopted.***

The Committee is raising other matters in a request addressed directly to the Government.

Tunisia

Minimum Age Convention, 1973 (No. 138) (ratification: 1995)

Previous comment

Article 1 of the Convention. National policy and labour inspection. In its previous comments, the Committee noted the extent and the different forms of work by children between the ages of 5 and 17 years in Tunisia, and particularly that 7.9 per cent of these children are engaged in child labour, of whom 75.9 per cent are in hazardous work.

The Committee notes that the Government does not indicate in its report whether the National Plan of Action to Combat Child Labour 2015–20 has been renewed, or whether it is intended to develop a new plan of action. However, it notes the information provided by the Government concerning the reinforcement of the labour inspection services through the recruitment of 25 new inspectors and the training of 48 labour inspectors, within the framework of the PROTECTE project ("Together against child labour in Tunisia") of the ILO and the Ministry of Social Affairs with a view to controlling child labour. The Government adds that the General Directorate of Labour Inspection (DGIT) recorded 117 inspections relating to child labour in 2022. They resulted in the detection of 28 violations respecting child labour through these inspections conducted in the different regions of the country and in several sectors, including: textiles, leather and footwear; mechanical and electrical industries; and agri-food. Only one violation notice was issued in these cases.

The Committee therefore notes that the number of inspections, and in particularly the violations identified and the violation notices issued respecting child labour, appear to be low in relation to the extent of the issue in Tunisia. ***While taking due note of the measures adopted by the Government, the Committee once again requests it to intensify its efforts to ensure the progressive elimination of child labour, including in agriculture and in hazardous work. In particular, the Committee strongly encourages the Government to intensify its efforts to strengthen the capacities of the DGIT so that it is able to conduct more numerous and more effective inspections in relation to child labour and as a consequence identify more cases of violations. The Committee also requests the Government to provide information on: (i) the reasons why a single notice was issued for violations relating to child labour; (ii) the number and nature of the violations recorded; and (iii) the number and nature of the penalties imposed. Finally, the Committee once again requests the Government to provide information on the measures adopted or envisaged to renew the Plan of Action to Combat Child Labour 2015–20 or to develop and adopt a new national plan of action for the elimination of child labour.***

Article 7(3). Determination of light work. While noting the Government's indication that a copy of the decree on the employment of children in light work in non-industrial and non-agricultural activities will be provided once it has been adopted, the Committee notes with ***concern*** that it has been raising the issue of the adoption of such a decree for many years. ***The Committee urges the Government to take***

the necessary measures for the adoption as soon as possible of the decree on the employment of children in light work in non-industrial and non-agricultural activities in order to ensure that the light work authorized for children from the age of 13 years is determined, in accordance with the Convention.

Application of the Convention in practice. The Committee notes that, in its concluding observations, the United Nations Committee on the Rights of the Child, while commending Tunisia for the efforts made to collect and analyse data on the situation of children, including the launching of the ChildInfo database, recommended it to ensure that the data collected on children's rights covers child labour (CRC/C/TUN/CO/4-6, 2 September 2021, paragraph 10). ***The Committee encourages the Government to continue its efforts to compile data on the situation of children in Tunisia and in this regard requests it to provide updated information, in so far as possible disaggregated by age and sex, on the nature, trends and extent of child labour in the country, including in the informal economy.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Article 3 of the Convention. Worst forms of child labour. Clause (a). All forms of slavery or practices similar to slavery. Sale and trafficking of children. Further to its previous comments, the Committee notes that, according to the information provided by the Government in its report on the Forced Labour Convention, 1930 (No. 29), the latest statistics on trafficking in persons show that over half of the 11,000 cases identified of trafficking in persons in 2021 concerned children (55.6 per cent). The forms of trafficking are characterized by a high number of cases of the economic exploitation of children which expose them to begging and to marginal activities (24.2 per cent).

The Committee notes the Government's indication in its report that the National Authority to Combat Trafficking in Persons (INLCTP) has been called upon to provide annual reports, which include the various statistics received by the ministries concerned. In this regard, the Government indicates that the information requested by Committee on the effect given to the provisions of Basic Act No. 2016-16 of 3 August 2016 relating to the sale and trafficking of children under 18 years of age are produced in coordination with the Ministry of Justice. However, the Committee notes with ***regret*** that the Government has not provided this information. ***In view of the significant number of cases of trafficking of children detected, the Committee urges the Government to reinforce its efforts to prevent children under 18 years of age from becoming victims of trafficking by ensuring the effective application of the legislation on this subject. It requests the Government to provide specific information in its next report on the effect given to the provisions respecting the sale and trafficking of children under 18 years of age, including statistics on the number of violations detected, convictions and penalties imposed.***

Article 3, clauses (a) and (d). Forced or compulsory labour and hazardous work. Child domestic workers. The Committee noted previously that many children, and particularly young girls, are economically exploited as domestic workers below the minimum age for admission to employment of 16 years. The Committee notes with ***regret*** that, although the Government affirms in its report its willingness to strengthen the protection of children against violence and that this is a strategic priority of the Ministry of the Interior, it has not provided information on the effect given in practice to Act No. 2017-58 of 11 August 2017 on the elimination of violence against women in relation to the prohibition of domestic work by children under 18 years of age.

The Committee also notes that the order of the Ministry of Social Affairs determining the types of work in which the employment of children is prohibited, promulgated on 1 April 2020, and Act No. 2021-37 of 16 July 2021 regulating domestic work (section 5) also prohibit domestic work by children under 18 years of age. The Committee further observes that, in accordance with section 22 of Act No. 2021-37, responsibility for inspection and the identification of violations in the application of this Act is entrusted to the labour inspection services and that, in accordance with section 23, the penalties envisaged by the

penal legislation in force (and particularly the Penal Code, Basic Act No. 2016-61 of 3 August 2016 to prevent and combat trafficking in persons and Basic Act No. 2017-58 of 11 August 2017 on the elimination of violence against women) are applicable in the event of the recruitment or intermediation for the employment of children in domestic work. ***The Committee urges the Government to strengthen its efforts to prevent children under 18 years of age being exploited in domestic work by ensuring the effective application of the new legislation on this subject. The Committee once again requests the Government to provide information on: (i) the measures adopted for the identification of violations of the prohibition on the employment of domestic workers under 18 years of age; (ii) the number of violations detected and prosecutions initiated; and (iii) the number and nature of the penalties handed down.***

Article 7(2)(b). Effective time-bound measures for the removal of children from the worst forms of child labour and their rehabilitation and social integration. Trafficking and commercial sexual exploitation. In its previous comments, the Committee requested the Government to provide information on the action taken by the Police Child Protection Service of the Ministry of the Interior, child protection officers (DPEs) and the security units and special branches of the Ministry of the Interior, as well as the INLTCP, in relation to child victims of trafficking, commercial sexual exploitation and the exploitation of children in begging.

In this regard, the Committee notes the information provided by the Government on the training activities undertaken for the units specializing in combating the exploitation and trafficking in persons since 2019 covering the effects of these crimes on the victims and knowledge of guidance and legal support mechanisms and protection measures. The Committee further notes, according to the website of the Council of Europe, a support project for independent institutions in Tunisia (PAII-T) through which the European Union and the Council of Europe are providing support to the INLCTP, particularly for the structuring of the National Guidance Mechanism (MNO) for victims of trafficking, which was launched in 2021. In this regard, the Committee also notes that, according to a communiqué issued by the International Organization for Migration (IOM) on 6 September 2023, the IOM, in partnership with the INLCTP, have carried out intersectoral training workshops with a view to the initiation of key actors in Tunisia involved in the protection of child victims of trafficking on the content of the MNO with a view to ensuring rapid and direct protection and support for victims and their access to the rights set out in Basic Act No. 61-2016 to prevent and combat trafficking in persons. ***The Committee encourages the Government to continue its efforts to develop a mechanism for the protection, rehabilitation and social integration of victims of the worst forms of child labour, and particularly trafficking and commercial sexual exploitation. In this regard, it requests the Government to provide information on the results achieved, and particularly the number of child victims of these worst forms of child labour who have benefited from assistance with a view to their rehabilitation and social integration through the structures referred to above and their use of the MNO, and on the nature of the assistance received.***

The Committee is raising other matters in a request addressed directly to the Government.

Türkiye

Minimum Age Convention, 1973 (No. 138) (ratification: 1998)

Previous comment

The Committee notes the observations of the Turkish Confederation of Employers' Associations (TİSK) and the Confederation of Turkish Trade Unions (TURK-IS) communicated with the Government's report as well as the observations of the Confederation of Public Employees Trade Unions (KESK), received on 1 September 2023.

Article 1 of the Convention. National policy designed to ensure the effective abolition of child labour and application of the Convention in practice. In its previous comments, the Committee requested the

Government to provide information on the implementation of the National Programme on the Elimination of Child Labour 2017–23 and its action plan, as well as the National Employment Strategy Action Plans 2014–23 and the results achieved.

The Committee notes that the TISK, in its communication, refers to certain initiatives undertaken by the Government to combat child labour, including: (1) the implementation of the European Union-funded project, "Elimination of Child Labour in Seasonal Agriculture" in October 2020 with the goal to strengthen national and local capacity to eliminate the worst forms of child labour in seasonal agriculture and to provide support services to at-risk children and their families; and (2) the establishment of the Seasonal Agricultural Workers' Information System (e-METIP) to enable the monitoring of the educational status of all children of agricultural seasonal workers and allow effective provision of services to seasonal agricultural workers.

The Committee also notes that the KESK, while referring to the Household Survey of 2022 which indicated an increase in the labour force participation of children aged 15–17 years from 16.4 per cent in 2021 to 18.7 per cent in 2022, stated that there is an extremely worrying trend in child labour in the country. While pointing at the lack of accurate data on child labour to assess the real scope of the problem, the KESK indicates that there are refugee children across the country but there are no effective mechanisms to keep them away from the labour market.

The Committee notes the Government's information in its report that the action plan annexed to the National Programme on the Elimination of Child Labour 2017–2023 includes 18 strategies and 107 activities under 7 policy headings for eliminating child labour, such as eliminating poverty and improving the quality and accessibility of education. In this regard, the Common Declaration on Combating Child Labour was signed in order to raise awareness about combating child labour and to give priority to this issue in all activities carried out by the relevant institutions and organizations. The General Directorate of Security and the General Commands of the Gendarmerie under the Turkish Ministry of Interior were entrusted with the responsibility of informing the public about the use of 155 police and 156 gendarmerie emergency lines on child labour. In this regard, announcements are carried out on social media accounts and the internet pages of these two institutions as well as on POL-NET (Police information system) and Police Radio.

The Committee also notes the Government's information that within the framework of the National Employment Strategy (2014–23), efforts are under way to facilitate the entry of families into the labour market through vocational training programmes and incentives in order to increase household incomes and combat poverty. The Government further indicates that the Units for Combating Child Labour have been established in 81 provinces in order to carry out activities more effectively to combat child labour, including detecting and monitoring child labour, as well as to increase the applicability and traceability of policies adopted at the central and local levels. These Units particularly aim at preventing child labour in heavy and dangerous jobs in industry, on streets and in seasonal mobile temporary agriculture, and promoting cooperation and coordination between all relevant institutions and organizations.

The Government also indicates that specific measures are being taken to prevent children from working in temporary seasonal agricultural work, including through the Prime Ministerial Circular No. 2016/5 on Access to Education of Seasonal Agricultural Workers and Children of Nomadic and Semi-Nomadic Families. Within the scope of this Circular, the access to, and attendance at school of children are monitored at certain intervals by Provincial/District Monitoring teams. Moreover, the commissions established in the provinces visit families and make them aware of the importance of their children's attendance at educational and vocational courses as well as of their benefits. The Committee further notes the Government's information concerning various other measures undertaken to combat child labour, including the adoption of the 2023–28 Türkiye Child Rights Strategy Document and Action Plan which deal with issues related to child labour, education and child protection; and the establishment of

"Children are Safe Teams" across the country which identify and monitor children at risk and provide appropriate assistance and guidance. Moreover, Türkiye has been officially recognized as an Alliance 8.7 Pathfinder Country thereby joining a global coalition dedicated to achieving UN Sustainable Development Goal target 8.7, which among others aims to end child labour. The Committee also notes from the Government's report submitted under the Worst Forms of Child Labour Convention, 1999 (No. 182) that the Conditional Cash Transfer for Education Programme has been extended to refugee children as of September 2018 and that almost 811,118 children benefited from this programme. In this regard, the Committee notes that according to the UNICEF Press release entitled "Ending child Labour – A national priority for Türkiye" of 13 June 2022, Türkiye has made significant progress in reducing child labour during the last three decades. According to the Turkish Statistical Institute (TURKSTAT)there are 72,000 Turkish children (4.4 per cent of all children aged 5–17 years) engaged in child labour in the service, agricultural and industrial manufacturing sectors. ***While taking due note of the measures taken by the Government, the Committee encourages it to continue its efforts to ensure the progressive elimination of child labour in all sectors. It requests the Government to continue to provide information on the measures taken in this regard as well as the results achieved.***

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

The Committee notes the observations of the Turkish Confederation of Employers' Associations (TİSK) and the Confederation of Turkish Trade Unions (TURK-IS) communicated with the Government's report as well as the observations of the Confederation of Public Employees Trade Unions (KESK) received on 1 September 2023.

Articles 3 and 5 of the Convention. Worst forms of child labour and monitoring mechanisms. Clause (a). All forms of slavery or practices similar to slavery. Sale and trafficking of children. The Committee previously requested the Government to pursue its efforts to combat the trafficking of children under 18 years of age, including of migrant and refugee children, and to provide information in this regard as well as information on the number of cases of trafficking of children identified, investigated, prosecuted, convicted, and the penalties imposed in this regard.

The Committee notes the detailed information provided by the Government in its report on the various awareness-raising campaigns and activities undertaken for the public as well as the training programmes, workshops and capacity building activities carried out for labour inspectors and officials involved in combating trafficking in persons. In this regard, over 1 million people were reached through the *Sesimsenol* (be my voice) campaign conducted within the framework of the "Technical Support Project for Cooperation with Civil Society in the Field of Migration and International Protection" in order to draw attention to this crime. A two-day "Türkiye Anti-Trafficking Summit" was held on 29 and 30 July 2021 highlighting prevention, protection, investigation and prosecution in the context of combating human trafficking, and the "Combating Human Trafficking Summit" was held on 28 July 2022, highlighting the studies, actions and programs carried out in the fields of cooperation. The Government also indicates that within the framework of the "Research Project on Child Trafficking and Human Trafficking Based on Exploitation of Children", field research was carried out with the International Centre for Migration Policy Development (ICMPD) in nine provinces. This research aims to increase the reliability of data and to support various organizations in Türkiye on evidence-based policy and operational responses so as to better address the vulnerability of children to trafficking.

The Committee also notes the Government's information that within the scope of Target 8.6 of the Human Rights Action Plan, entitled, "Effective Fight Against Human Trafficking" and "Rehabilitation of Foreigners Under the Scope of International Protection and Temporary Protection and Strengthening their Access to Justice", crimes and penalties related to trafficking in persons shall be reviewed; regular

training for judges, prosecutors and law enforcement agencies mandated to deal with crimes related to human trafficking shall be provided; and necessary measures to protect victims of trafficking shall be taken.

The Committee notes that according to the 2021 Türkiye Annual Report on Trafficking in Persons, as referred to by TİSK, in its communication, of the 282 victims of trafficking identified in 2020, 36 victims were aged 18 or below. The Committee further notes from the table indicating the legal processes concerning trafficking of children and other offences under the Penal Code, provided in the Government's report, that from June 2016 to August 2023, 160 cases of trafficking under section 80(3) of the Penal Code related to trafficking of children under 18 years were filed against 236 suspects, of which 35 suspects were convicted. However, no information on the specific penalties imposed on perpetrators of trafficking of children has been provided. In this regard, the Committee notes that the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), in its concluding observations of 12 July 2022, expressed concern at the underreporting of and low conviction rates in trafficking cases (CEDAW/C/TUR/CO/8, paragraph 35). ***The Committee requests the Government to take the necessary measures to ensure that perpetrators of child trafficking are subject to thorough investigations and prosecutions and that sufficiently effective and dissuasive penalties are imposed in practice. In this regard, it requests the Government to continue its efforts to strengthen the capacity of the law enforcement bodies and other officials engaged in the field of combating trafficking and to continue to provide information on the measures taken in this regard. It also requests the Government to continue to provide statistical information on the number and nature of offences reported, investigations, prosecutions, convictions and penal sanctions imposed with regard to the trafficking of children under 18 years of age.***

Clause (d) and Article 4(1). Hazardous work and excluded categories of work. In its previous comments, the Committee noted that the Labour Law and the Child Employment Regulation excluded from their scope of application, workers in businesses with less than 50 employees in the agricultural and forestry sector, construction work related to agriculture within the framework of the family economy, and domestic service. It also noted that the National Programme on the Elimination of Child Labour (2017–2023) determined work on the streets, heavy and hazardous work in Small and Medium-Sized Enterprises, and seasonal mobile and temporary agricultural work, except for family business, as worst forms of child labour in the country and underlined that child labour in seasonal mobile and temporary agricultural labour is one of the most hazardous sectors in terms of occupational diseases and work accidents.

The Committee notes that TURK-IS, in its communication points out that amendments must be made in the "Regulation on the Procedures and Principles for the Employment of Children and Young People" and that there must be a clear and absolute prohibition on children from working for payment in seasonal agricultural jobs, other than in family jobs in agriculture. In its communication, the KESK indicates that according to the Household Labour Survey of 2022, the labour force participation rate of children aged 15–17 was 18.7 per cent in 2022, an increase from 16.4 per cent in 2021. Furthermore, the KESK refers to a document by the Occupational Health and Safety Council which indicated that at least 888 children lost their lives due to work-related accidents since 2002.

The Committee notes the Government's information that the Directorate of Inspection and Guidance of the Ministry of Labour and Social Services (MoLSS) carries out scheduled and unscheduled labour inspection activities in workplaces and that children and young workers are considered as the priority risk groups in all such inspections. Accordingly, administrative fines of up to a total of 799,437 Turkish lira were imposed on 244 workplaces for the violation of the provisions of the Regulation on the Procedures and Principles of Employment of Child and Young persons. The Committee also notes from the Government's report that one of the targets for the agricultural sector in the National Employment Strategy (2014–2023) is to take the necessary technical and legal measures to eliminate paid child labour in seasonal mobile and temporary agricultural work. With regard to the number of

children under the age of 18 years who had lost their lives due to work accidents as referred to by KESK, the Government states that such statistics are incompatible with the facts provided by the official records maintained by the Social Security Institution (SSI) which indicate much lower numbers. The SSI records indicate that 12 persons under the age of 18 years have lost their lives due to work related accidents in 2022. ***Observing with concern that children are at risk of workplace injuries and death, the Committee urges the Government to take the necessary measures to ensure that all children under 18 years of age are protected from hazardous work, particularly children working in Small and Medium-Sized Enterprises, and in seasonal mobile and temporary agricultural work. It requests the Government to provide information on the measures taken in this regard, including within the framework of the National Employment Strategy. The Committee also requests the Government to continue to provide information on the functioning of the Directorate of Inspection and Guidance of the Ministry of Labour and Social Services in monitoring hazardous work by children in the agricultural sector and the number of children identified and withdrawn from such work. Lastly, it requests the Government to indicate any measures taken or envisaged to amend the scope of the provisions of the Labour Law and related Regulations to cover children working in seasonal agricultural work and enterprises in which the number of workers is 50 or below.***

Articles 5 and 7(2). Monitoring mechanisms and effective and time-bound measures. Hazardous work in seasonal hazelnut agriculture. The Committee previously noted that the Government had been implementing the "Seasonal Agricultural Workers Project" (METIP) and the "Integrated Model for the Elimination of the Worst Forms of Child Labour in Seasonal Agriculture in Hazelnut Harvesting in Turkey" to eliminate hazardous work by children in seasonal agriculture.

The Committee notes the Government's information that the MoLSS in cooperation with the Rainforest Alliance, has been carrying out the "Sustainable Hazelnut Villages Project" to reduce hazardous child labour in seasonal mobile agriculture through strengthening and improving public-private sector cooperation. This project aims to combat the root causes of child labour and to improve the living and working conditions of seasonal mobile agricultural workers and their families. In addition, within the framework of the Child Labour Prevention Program carried out in cooperation with the MoLSS and the Young Life Foundation, the "Hazelnut Excuse" Project is being implemented, with the aim of eliminating child labour in the supply chain of the BALSU private company in Sakarya, Düzce, Ordu, Samsun and Giresun provinces during the harvest period of 2022. The Government further indicates that the Units for Combating Child Labour, established within the MoLSS, carry out activities such as detecting and monitoring the worst forms of child labour with the aim of preventing children from carrying out heavy and hazardous jobs in industry, on streets and in seasonal mobile temporary agriculture.

The Committee also notes that the TİSK, in its communication, states that the European Union funded project entitled, "Prevention of Child Labour in Seasonal Agriculture" commenced in October 2020 and aims to strengthen national and local capacity to eliminate the worst forms of child labour in seasonal agriculture and provide services to at-risk children and their families. In this regard, the Government indicates that within the framework of the project "Prevention of Child Labour in Seasonal Agriculture", a Data Sharing Protocol with a Child Labour Tracking System is under preparation. ***The Committee requests the Government to continue its efforts to reduce hazardous child labour in seasonal hazelnut agriculture, and to provide information on the activities and the results of the various projects, including the "Sustainable Hazelnut Villages Project" and the "Hazelnut Excuse" Project implemented in this regard. It also requests the Government to provide information on the functioning of the Units for Combating Child Labour in monitoring hazardous child labour in seasonal agricultural work, in particular hazelnut harvesting as well as on the number of children identified and withdrawn from such work. Lastly, the Committee requests the Government to provide information on the establishment of the Child Labour Tracking System and its impact on eliminating hazardous child labour in seasonal agriculture.***

Article 7(2). Effective and time-bound measures. Clause (b). Provide the necessary and appropriate assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Child victims of trafficking. Following its previous comments, the Committee notes the Government's information that the Coordination Committee for Combating Human Trafficking which has now been transformed into the Anti-trafficking Coordination Board, has made increased efforts to combat trafficking in persons and protect victims of trafficking. It also notes the Government's information that within the scope of Target 8.6 of the Human Rights Action Plan, an action plan on "Rehabilitation of Foreigners Under the Scope of International Protection and Temporary Protection and Strengthening their Access to Justice" has been envisaged, which amongst others aims to take measures to effectively protect victims of trafficking.

In addition, the emergency hotline "YIMER 157" (Foreigners Communication Center) for victims of trafficking, including children provides uninterrupted service in seven languages. The Committee further notes the Government's information that the Provincial Directorates of Migration Management identified 85 child victims of trafficking (including 78 girls) in 2020; 118 child victims (including 68 girls) in 2021; 72 child victims (including 47 girls) in 2022; and 18 child victims (including 10 girls) until 31 May 2023 who were victims of sexual exploitation, labour exploitation and forced begging. The most commonly identified nationalities among these child victims were Syrian, Afghan and Turkish nationals.

The Committee takes note of TİSK's statement under the Forced Labour Convention, 1930 (No. 29), that services for victims of trafficking are provided through the "Victim Support Programme" and "Voluntary and Safe Return Programme" based on the principle of consent, which aim to ensure that victims of trafficking in persons can recover from the effects of what they have been through and be reintegrated into society, by considering the safety, health and personal circumstances of the victims and keeping them informed during and after the reflection period. ***The Committee requests the Government to provide specific information on the measures taken by the Anti-trafficking Coordination Board as well as within the scope of Target 8.6 of the Human Rights Action Plan, to withdraw children from trafficking as well as to provide for their rehabilitation and social integration. It requests the Government to continue to provide information on the number of child victims of trafficking identified through YIMER 157 and rehabilitated.***

The Committee is raising other matters in a request addressed directly to the Government.

Turkmenistan

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2010)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the Government's report received on 31 August 2023. It also takes note the observations made by the International Trade Union Confederation (ITUC) received on 27 September 2023, as well as the Government's reply received on 27 October 2023. The Committee also takes note of the report on the implementation of the 2023 Roadmap for cooperation between the ILO and the Government of Turkmenistan (implementation report), produced following the visit of the independent ILO mission on the observance of the conditions of work and recruitment of cotton pickers during the 2023 harvest.

Article 3 of the Convention. Worst forms of child labour. Clause (d). Hazardous work in the cotton sector. In its previous comments, the Committee requested the Government to continue taking effective measures to ensure that children under 18 years are not engaged in hazardous work or subject to forced labour in the cotton sector, including during the school holidays or their time out of school. Moreover, the Committee observes that, in the context of the discussion of Turkmenistan's application of the Abolition of Forced Labour Convention, 1957 (No. 105), at the 111th Session of the Conference Committee on the Application of Standards in June 2023, the Conference Committee urged the Government to reinforce its efforts to ensure the complete elimination of the use of compulsory labour of students in state-sponsored cotton production,

in consultation with the social partners and in the context of the ongoing ILO assistance, through the development of an action plan to that end.

The Committee notes the Government's information, in its report, regarding the measures taken to reduce manual cotton harvesting, including by children, such as the increase of agricultural machinery and efforts taken to create conditions for decent work for cotton pickers. Most significantly, the Committee takes note of the measures taken in the framework of the implementation of the Roadmap for cooperation between the ILO and the Government of Turkmenistan, adopted in March 2023 as a result of several ILO high-level technical assistance missions. The Government indicates in this regard that: (1) an analysis has been carried out of Turkmenistan's current legislative framework with regard to the application of international labour standards and the resulting draft legislative acts that were submitted to Parliament; (2) there are ongoing efforts to produce a qualitative study of recruitment practices for the cotton harvest; (3) a seminar was held with the participation of representatives of the relevant ministries and agencies and social partners to identify the key elements of a national action plan to align the labour inspection system in Turkmenistan with ILO standards; and (4) the Parliament is actively engaging in public awareness-raising activities. Moreover, the Committee takes note of the Government's reply to the ITUC observations, which consists of information prepared by the National Center of Trade Unions of Turkmenistan (NCTU). The NCTU indicates that, together with local trade unions, it conducted trainings and seminars on international labour standards, including Convention No. 182, in the regions, with the participation of the local authorities.

The Committee notes from the ITUC's observations that, despite the commitments taken by the Government of Turkmenistan, forced labour practices in cotton production are unfortunately still prevalent on a massive scale in the country. With regard to the forced labour of children specifically, the ITUC states that, while child labour was not directly organized by the State, it was used in the 2022 harvest, driven by both poverty and the forced labour system. The ITUC shares examples of specific instances in which child labour was used for cotton picking, and adds that independent monitors reported that children, some as young as eight, were paid to work as "replacement pickers," hired by public sector employees forced to either pick or hire someone else; others were sent as replacement pickers by parents or relatives who were forcibly mobilized; and still others joined the harvest to earn money for their families.

Moreover, the Committee notes that, with the acceptance of the Government, an independent ILO observance mission of the conditions of work and recruitment of cotton pickers, by ILO staff and independent consultants recruited by the ILO, took place during the 2023 harvest in October 2023. The Committee notes that, according to the information contained in the implementation report, initial findings from this observance mission indicate that children below the age of 15 were observed working in many of the cotton fields visited across the country.

While taking due note of the Government's collaboration with the ILO in the framework of the Roadmap and during the observance of the cotton harvest in 2023, the Committee must note with ***deep concern*** that children under the age of 18, and even below the age of 15, continue to work in the cotton fields in Turkmenistan in hazardous conditions and, in some instances, forcibly. ***The Committee therefore urges the Government to pursue and strengthen its efforts to ensure the complete elimination of the use of forced and hazardous child labour in cotton picking. In this regard, it urges the Government to continue to engage in cooperation with the ILO and the social partners, within a cooperation framework, to ensure the full application of the Convention. It requests the Government to continue to provide information on the concrete measures taken in this respect, including measures taken to monitor the cotton harvest, strengthen record-keeping in educational institutions, apply sanctions against persons who engage children in the cotton harvest, and further raise public awareness on this subject.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Uganda

Minimum Age Convention, 1973 (No. 138) (ratification: 2003)

Previous comment

The Committee takes note of the detailed discussion that was held by the Committee on the Application of Standards (Conference Committee) at the 112th Session of the International Labour Conference (June 2024), regarding the application of the Convention by Uganda, as well as of the Government's report.

The Committee also takes note of the observations of the International Organisation of Employers (IOE), received on 30 August 2024, which reiterate their comments made during the Conference Committee discussion and express the hope that progress will be made in the application of the Convention by Uganda, in line with the conclusions of the Conference Committee.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

Article 1 of the Convention. National policy designed to ensure the effective abolition of child labour and application of the Convention in practice. The Conference Committee urged the Government to intensify its efforts to ensure the progressive elimination of child labour by children under the minimum age for employment or work, as well as for all children engaged in hazardous work, in particular by: (1) implementing measures concerning child labour awareness and community sensitization; and (2) intensifying its efforts to facilitate access to free basic education for all children. It further urged the Government to intensify its efforts towards early identification of high-risk areas and vulnerable groups and improve resources allocation for this purpose. It urged the Government to provide detailed information in this regard, including as regards the implementation of the National Action Plan on the Elimination of Child Labour 2020/21 – 2024/25 (NAP II) and of the "ACCEL – Accelerating Action for the Elimination of Child Labour in the supply chain of tea and coffee in Africa" project (ACCEL Africa project), and to provide statistics, disaggregated by age and sector of activity, on the situation of children engaged in child labour in the country.

The Committee notes the Government's reiteration, in its report, of its commitment to expedite the process of elimination of child labour. In this regard, the Committee notes the Government's indication that it is promoting stakeholder synergies through the operationalization of the National Steering Committee on the Elimination of Child Labour. The Government also expands on the steps it aims to take to implement the "reviewed" NAP II, which include: (1) aligning the legal and policy frameworks; (2) establishing a robust system for data collection on child labour and undertaking a comprehensive risk assessment; (3) combining prevention and protection strategies aimed at addressing the root causes of child labour; (4) capacity-building and training of relevant stakeholders; (5) public awareness and advocacy; and (6) ensuring sustainability. Additionally, the Government is tackling poverty, a root cause of child labour, through wealth creation programmes and the Parish Development Model, which aims to shift households from subsistence to market-oriented agriculture, increasing job opportunities and household incomes.

Moreover, the Committee notes that Uganda is in the second phase of the ACCEL–Africa project, aimed at eliminating child labour in coffee and tea supply chains by addressing its root causes. The Committee also notes that the "Ending child labour in supply chains: Addressing the root causes of child labour in supply chains through an area-based approach" (CLEAR Supply Chains) project, which brings together the ILO, the Food and Agricultural Organization (FAO), the International Trade Centre (ITC) and the United Nations Children's Fund (UNICEF), focuses on addressing the root causes of child labour, with a primary focus on the coffee supply chain, and leveraging efforts in the minerals supply chain, particularly cobalt. In September 2024, the project held two trainings on child labour due diligence as

part of an ILO capacity-building programme for members of the Child Labour Platform and their suppliers, with both these trainings being precursors for the rollout of an ILO capacity-building programme on child labour due diligence and other fundamental principles and rights at work set to start in January of 2025.

The Committee takes due note of the measures taken by the Government, in cooperation with the ILO, other international partners, the social partners and other stakeholders. However, the Committee notes with ***concern*** that the most recent data, while showing discrepancies, demonstrates that the incidence of child labour is very high in the country and that a large number of children are involved in hazardous work: the 2021–22 Uganda National Labour Force Survey reported 6.2 million children in child labour, while the Uganda National Household Survey 2019–2020 reported 2.7 million, with most of these children engaged in the agricultural sector, particularly in coffee and tea production.

The Committee therefore urges the Government to intensify its efforts to ensure the effective abolition of child labour by children under the minimum age for employment or work, as well by all those engaged in hazardous work. In this regard, it requests the Government to continue taking measures to ensure the implementation of the NAP II, ACCEL Africa project and CLEAR project, and to provide information in this regard and on the results achieved.

The Committee also strongly encourages the Government to take the necessary measures to ensure that up-to-date and reliable statistics are available on the situation of children engaged in child labour in the country, disaggregated by age and sector of activity, and to communicate this information.

Article 9(1). Penalties and labour inspection. The Committee notes that the Conference Committee urged the Government to take effective and time-bound measures to strengthen the capacity of the labour inspectorate: (1) to detect cases of child labour, by providing the labour inspectorate with all the human, material, financial and technical resources necessary, and by adequately training labour inspectors; and (2) to ensure that the relevant provisions on the employment of children and young persons providing for penalties are effectively implemented.

The Committee notes the Government's information regarding the more recent actions taken to strengthen the labour inspectorate to effectively identify cases of child labour. These include the prioritization of the training of labour law enforcers at headquarters and district levels, including through increasing awareness interventions, and the application of the Guidelines developed to assist labour inspectors in their efforts to eliminate child labour and particularly in hazardous work and educational trainings and apprenticeships. The Government provides information on how labour inspectors apply these guidelines, including through the planning of interventions at the district level, regular inspections and reviewing of employee records, public awareness and education, and collaboration with other stakeholders to better identify and address cases of underage employment. The Government reiterates also that inspectors have the authority to impose the penalties provided in this legislation, such as fines or legal sanctions, on employers who fail to adhere to child labour laws.

The Committee notes with ***regret***, however, that the Government provides no information on the number of inspections conducted, violations detected and penalties applied. In this regard, the Government reiterates that the Annual Labour Inspection report of 2022 is being compiled, and that it will be shared as soon as it is published.

The Committee urges the Government to pursue its efforts to ensure that the labour inspectorate is adequately trained be able to detect cases of child labour, as well as to ensure that the regulations providing for penalties in the case of a violation of the provisions on the employment of children and young persons are effectively applied. It once again requests the Government to provide information on the results achieved in this regard, and to communicate a copy of all recently published Annual

Labour Inspection reports, ensuring that these include information on the number and nature of violations involving children detected by the labour inspectorate.

With regard to other issues pertaining to the labour inspectorate, including as regards the provision of adequate resources, the Committee refers to its comments under the Labour Inspection Convention, 1947 (No. 81).

The Committee is raising other matters in a request addressed directly to the Government.

United Kingdom of Great Britain and Northern Ireland

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

The Committee takes note of the Government's report, of the observations of the Trade Union Congress (TUC) received on 30 August 2019 and the updates received on 1 October 2020. ***The Committee requests the Government to provide its comments in this respect.***

Article 3 of the Convention. Worst forms of child labour. Clause (a). Sale and trafficking. The Committee takes due note of the Government's detailed information, in its report, on the measures taken by England and Wales, Scotland and Northern Ireland as regards human trafficking. It notes in particular: (1) the expansion of the Independent Child Trafficking Guardians (ICTG), which were introduced to provide an independent source of advice and advocacy for trafficked children, over two thirds of all local authorities across England and Wales; (2) the launching of Guardianship Scotland in April 2023, a new statutory ICTG service to provide support to unaccompanied children arriving in Scotland who will have undergone an arduous migration alone and may have been a victim of, or may be vulnerable to becoming a victim of, human trafficking; and (3) the implementation by the Child Trafficking Strategy Group (CTSG) of the 18 specific actions of the Trafficking and Exploitation Strategy of Scotland which relate to children who are, or may be, victims of human trafficking and exploitation. The Committee further notes that, as part of a wider National Referral Mechanism (NRM) reform activity, a Pilot test was launched in 2021 devolving responsibility for NRM decisions for child victims of trafficking from the Home Office to Local Authorities. This approach enables decisions about whether a child is a victim of trafficking to be made by those involved in their care, and ensures the decisions made are closely aligned with the provision of local, needs-based support and any law enforcement response. The pilot is now operating in 20 pilot sites, covering 30 Local Authorities across England, Scotland and Wales.

The Committee notes, however, according to the Government's information, that a total of 621 referrals were made to the NRM in 2022 – only as relates to Scotland – representing an increase of 48 per cent from the previous year, with the largest increase in identification as victims of trafficking and exploitation being children. The Committee further notes, according to the online data of the Home Office for 2023, that the number of referrals to the NRM for potential child victims of trafficking for the United Kingdom were at their highest on record (44 per cent; 7,432).

While taking due note of the measures taken by the Government, the Committee must therefore express its ***concern*** at the high number of children identified as victims or potential victims of human trafficking, which appears to be on the increase. ***The Committee requests the Government to indicate the measures taken to address the root causes of child trafficking in order to prevent children under 18 years of age from becoming victims of trafficking, and to supply information on the results achieved in this regard. It also requests the Government to continue to provide information on the measures taken to provide child victims of trafficking with the appropriate services for their rehabilitation and social integration, including the number of child victims of trafficking and commercial sexual exploitation who have been referred to the NRM, removed and provided with support and assistance.***

On other issues related to human trafficking, the Committee refers to its comments under the Forced Labour Convention, 1930 (No. 29), and the Protocol of 2014 to the Forced Labour Convention, 1930.

Clause (d). Hazardous work in military service. The Committee takes note of the TUC's observations according to which 16- and 17-year-olds are being recruited into the armed forces. The TUC refers to information which suggests that recruiters intentionally target children from areas of high deprivation. A 2019 study by the Child Rights International Network (CRIN) on the conditions faced by these young recruits, endorsed by the TUC, reveals that, while young persons under 18 cannot be deployed to war zones, military employment introduces multiple psychological and physical risks, as well as exposes recruits to hazardous working conditions. The study indicates, for example: (1) that military training is a psychologically coercive process involving extraordinary exposure to stress, as well as elevated rates of bullying and sexual harassment; (2) that psychological stressors are intentionally applied in order to transform young civilians into soldiers, that stressors of this kind are harmful to mental health and that young persons are more susceptible; (3) that the intensity of physical training puts recruits at risk of musculoskeletal injuries in particular, as well as other conditions such as heat exhaustion, and that there are no limits to the weight a recruit can be instructed to lift; and (4) that children in military training handle and fire live ammunition, and that CBRN (Chemical, Biological, Radiological and Nuclear) training exposes recruits to tear gas. Moreover, the study reveals that the working conditions applied to young persons in the army would be unlawful in civilian employment. For example, young recruits are on duty for ten hours per day, the armed forces are exempt from regulations governing rest periods, and recruits have no right to leave the army in the first six weeks of training. Moreover, after six months, their right to leave is subject to a notice period of up to three months; and absence without leave, including of young persons, is punishable by up to two years' imprisonment. The Committee further notes the TUC's information, in its 2020 update, regarding the new data that has come to light supporting concerns that military employment in the United Kingdom exposes children to physical, psychological or sexual abuse and that, in some instances, this has led to suicide. Moreover, the TUC indicates that, in May 2019, a review of the policy of recruiting children under the age of 18 into the armed forces was undertaken by the army, in which non-governmental stakeholders were not permitted to engage and which did not respond to the persistent concerns that the Army's Junior Entry Policy is incompatible with children's rights, including those under the Convention.

The Committee further notes that the United Nations Committee on the Rights of the Child, in its concluding observations of 22 June 2023 (CRC/C/GBR/CO/6-7, paragraph 56), notes with concern reports of the overrepresentation of socioeconomically disadvantaged children in the armed forces. It notably recommends that the United Kingdom consider raising the minimum age for voluntary recruitment into the armed forces to 18 years, take measures to address the reported heavy mental health burden among child recruits, and promptly investigate any reports of sexual abuse, sexual harassment and other forms of violence against children in the armed forces, particularly during armed forces training.

The Committee takes note of all this information with ***concern***. The Committee recalls that, under *Article 3(d)* of the Convention, work which, by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children, constitutes one of the worst forms of child labour prohibited to children under the age of 18 and that Member States are required to take immediate and effective measures to secure elimination of the worst forms of child labour as a matter of urgency. ***The Committee therefore urges the Government to take the necessary measures to ensure that young persons under the age of 18 years voluntarily recruited into the armed forces are not engaged in hazardous types of work, and to ensure their protection from any type of abuse or exploitation in the context of their military service. It requests the Government to provide information on the measures taken in this regard and the results achieved.***

Guernsey

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment

Article 3 of the Convention. Worst forms of child labour. Clause (a). All forms of slavery or practices similar to slavery. Sale and trafficking of children. The Committee notes the Government's indication, in its report, that the Sexual Offences (Bailiwick of Guernsey) Law, 2020 came into force on 1 March 2022. The Committee notes that, under Chapter XVI of the Law, section 82 makes it an offence to traffic a person for the purpose of sexual exploitation. Under section 82(6), a person guilty of such an offence is liable to imprisonment for a term not exceeding two years (or a fine not exceeding level 5) on summary conviction or for a term not exceeding 14 years on conviction on indictment. The Committee takes due note of the introduction of a clear definition and prohibition of trafficking for sexual exploitation of all persons, which includes all children under the age of 18 years (and not only those under 16 years, as previously provided). However, it notes with ***regret*** that the legislation still does not prohibit trafficking of children for labour exploitation. ***The Committee therefore once again requests the Government to take all necessary measures to prohibit the sale and trafficking of children under 18 years of age for labour exploitation. It also requests the Government to provide information on any investigations and prosecutions carried out and sanctions imposed for offences related to the trafficking of children for the purpose of sexual exploitation under section 82 of the Sexual Offences (Bailiwick of Guernsey) Law.***

The Committee is raising other matters in a request addressed directly to the Government.

United Republic of Tanzania

Minimum Age Convention, 1973 (No. 138) (ratification: 1998)

Previous comment: observation

Previous comment: direct request

Article 1 of the Convention. National policy and application of the Convention in practice. Following its previous comments on the significant number of children engaged in child labour despite the measures taken by the Government, the Committee notes the Government's information in its report that it continues its efforts to eliminate child labour. In this regard the Government indicates that : (1) it has established 651 child welfare councils from the village to the national level; (2) it reviewed the curricula for all levels of education and introduced a fee-free education from primary to upper secondary level; (3) it improved and increased the infrastructure thereby enabling children from remote areas to access schools; (4) it reviewed the National Action Plan to End Violence Against Women and Children (NAP-VAWC) and the National Strategy on Elimination of Child Labour up to 2023–27; and (5) it established a programme, in collaboration with other stakeholders, to identify and assess the needs of children living in vulnerable situations and to provide them with food, education and accommodation. The Government indicates that from 2021 to 2023, a total of 1,028,872 children living in vulnerable situations were identified and provided with assistance. The Government states that the Tanzania Social Action Fund (TASAF) Conditional Cash Transfer programme to vulnerable families, as well as collaboration with stakeholders and development partners in the fight against child labour and strengthened labour inspection has led to a decline in the magnitude of child labour in the country.

The Committee also notes from the Elimination of Child Labour in Tobacco (ECLT) Foundation Factsheet that with the support of the Government, the ECLT has launched the exit phase of the project on Promoting Sustainable Practices to Eradicate Child Labour in Tobacco (PROSPER) namely the PROSPER/RESET project in 2024 with the aim to strengthen the child labour referral, response and reporting system at the district, regional and national levels. It further notes information from the ILO that the Cotton with Decent Work Project to break the cycle of child labour and violence against children,

developed under the Brazil–ILO Partnership Programme for the Promotion of South–South Cooperation, was launched by the ILO and the Government in October 2023. It aims to establish a comprehensive and sustainable national action plan on child labour.

The Committee, notes, however, that according to the Integrated Labour Force Survey (ILFS) 2020–21 Analytical report, 5.02 million children aged between 5–17 years (equivalent to 24.9 per cent of total child population) are engaged in child labour with the largest proportion of children working in agriculture, forestry and fishing industries. Findings also indicate that of all children in child labour, 24.1 per cent (about 4.85 million children) are in hazardous child labour. While noting the measures taken by the Government, the Committee must express its ***deep concern*** at the significant number of children engaged in child labour, including in hazardous work. ***The Committee therefore urges the Government to strengthen its efforts to ensure the progressive elimination of child labour, including by ensuring the adoption and effective implementation of the National Action Plan on Child Labour as well as through collaborating with PROSPER/RESET and the Brazil–ILO Partnership Programme for the Promotion of South–South Cooperation. It requests the Government to continue to provide information on the measures taken in this regard and the results achieved in terms of progressively eliminating child labour.***

Article 3(2). Determination of types of hazardous work. Zanzibar. In its previous comments, the Committee noted that section 100 of the Children's Act, 2011, prohibits hazardous work for children under 18 years of age and defines work as hazardous if it poses a danger to the health, safety or morals of a person in its subsection (2). It also noted that section 100(5)(b) requires the Minister to make regulations to determine the forms of work related to subsection (2), and therefore requested the Government to indicate the measures taken to adopt such regulations.

The Committee notes the Government's information in its report that the Government of Zanzibar is in the initial stages of developing the regulations to determine hazardous work and is currently identifying key stakeholders and mobilizing resources in this regard. ***Recalling that, pursuant to Article 3(2) of the Convention, the types of hazardous employment or work prohibited to children under 18 years of age shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, the Committee requests the Government of Zanzibar to take the necessary measures to ensure the adoption of the regulation determining the types of hazardous work prohibited to children under 18 years, pursuant to section 100(5)(b)of the Children's Act, and in consultation with the social partners. It requests the Government to provide information on any developments made in this respect.***

Labour inspection. In its previous comments, the Committee noted that the Child Labour Monitoring System (CLMS) that comprises child labour elimination committees at the national, district and village levels had contributed to withdrawing children from child labour through the ILO Red Card Anti-child labour campaign.

The Committee notes the Government's statement that over the years the CLMS has been developed stage by stage in different phases and that it has been collaborating with other stakeholders and projects in identifying child labour and providing educational services to victims of child labour. It also notes the information provided by the Government in its report on the Worst Forms of Child Labour Convention, 1999 (No. 182), that about 35 labour officers were provided with training on inspection techniques to combat child labour, and that awareness-raising and sensitization events resulted in rescuing 119 children involved in child labour in various sectors, including mining.

The Committee further notes information from the ILO that the Cotton with Decent Work Project aims at strengthening institutional capacities and labour inspection system with a specific emphasis on eradicating child labour in the cotton-growing regions. The Committee finally notes that according to the ILFS 2020/21 Analytical report,76.2 per cent of children involved in child labour are working in the agricultural sector. ***The Committee requests the Government to intensify its efforts to effectively***

monitor and combat child labour in the country, particularly in the agricultural sector, including through strengthening the capacity and reach of the labour inspectors in the informal economy. It requests the Government to continue providing information on the measures taken in this regard as well as on the number of inspections carried out, the number and nature of violations relating to the employment of children and young persons detected by the labour inspectors, and the penalties imposed. The Committee finally requests the Government to provide information on the activities of the CLMS in monitoring and eliminating child labour and the results achieved.

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2001)

Previous comment: observation

Previous comment: direct request

The Committee notes the observations of the International Trade Union Confederation (ITUC), received on 27 September 2023. ***The Committee requests the Government to provide its comments in this respect.***

Articles 3(a), 5 and 7(1) of the Convention. Worst forms of child labour, monitoring mechanisms and penalties. Trafficking in children. The Committee previously noted the establishment of the Anti-Trafficking Committee to implement the Anti-Trafficking in Persons Act 2008. It also noted the measures undertaken by the Anti-Trafficking in Persons secretariat to combat trafficking in persons, including conducting training for key implementers of the Anti-trafficking Act, on identifying and dealing with victims of trafficking as well as rescuing and assisting them.

The Committee notes the Government's information in its report that it has established Trafficking in Persons School clubs in primary and secondary schools to create awareness among children on the phenomenon of trafficking in persons; conducted community dialogues with local leaders on counter trafficking in most affected areas; established women and children protection committees at the local level to protect women and children against abuse and exploitation; and strengthened the police gender and children's desks in order to effectively handle and fast track trafficking cases reported at the police stations. The Committee also notes the Government's information that it continues to build the capacity of the law enforcement officers in identifying, investigating and prosecuting cases of trafficking in persons and a total of 1,650 officers have benefited from such programmes. The Government indicates that a total of 810 potential child victims who were trafficked from rural areas to the cites were rescued in addition to the 379 child victims of trafficking who were rescued from exploitation. It also notes the Government's information that the Anti-Trafficking in Persons Act of 2008 was amended to include a new provision of "attempt to commit trafficking in persons" as well as to increase penalties for trafficking offences and to remove the provision of fines as an alternative to imprisonment.

The Committee notes the observations of the ITUC that trafficking in Tanzania largely affects impoverished children from rural areas, who are trafficked for forced labour in domestic work, mining, agriculture, forced begging and sex trafficking in urban centres such as Arusha, Dar es Salaam, Dodoma, Mbeya, and Mwanza. The ITUC also observes that Burundian children, mostly from the Hutu farming communities of Mwimbango, Mkididing and Jerusalema are trafficked or smuggled into Tanzania for exploitative domestic work. According to the ITUC, police and immigration officers have little understanding of trafficking which leads to various authorities viewing and treating trafficked children as illegal immigrants, rather than as vulnerable children in need of protection. The ITUC also refers to the lack of inter-agency collaboration in Tanzania in protecting children across the border as well as to the lack of adequate investigation and prosecution of persons involved in the trafficking and exploitation of children. Furthermore, corruption and official complicity in trafficking crimes remained significant concerns, hindering law enforcement action. ***The Committee urges the Government to strengthen its efforts to combat trafficking of children by ensuring that thorough investigations and***

prosecutions are carried out against persons, including complicit and corrupt officials, who engage in the trafficking of children and to provide information on the number of investigations, prosecutions and convictions, as well as the specific penalties imposed in this respect. In this regard, it requests the Government to continue to take the necessary measures: (i) to strengthen the capacity of law enforcement bodies in identifying and combating trafficking of children, including by means of training on anti-trafficking legislation and the provision of adequate resources; and (ii) to strengthen inter-agency cooperation and coordination of activities against cross-border trafficking of children. It requests the Government to provide information on the measures taken in this regard.

Articles 3(d) and 5. Hazardous work and monitoring mechanisms. Labour inspection. In its previous comments, the Committee noted the Government's statement that children in Tanzania engage in the worst forms of child labour, including in mining, quarrying and domestic work. It also noted from the ILO report entitled *Child Labour and the Youth Decent Work Deficit in Tanzania, 2018* that about 41 per cent of children (1,467,000 children) in the age group of 14 to 17 years are involved in hazardous work and that monitoring the implementation of legislation is a major challenge owing to limited resources for inspection.

With regard to the Committee's previous comments concerning the measures taken to strengthen the capacities of the labour inspectorate, the Committee notes the Government's information that about 35 labour officers have been trained with special labour inspection techniques for combating child labour and 30 new motor vehicles and new Occupational Health and Safety Equipment have been made available to the labour officers. Moreover, awareness-raising training and sensitization events on combating child labour and hazardous work has resulted in rescuing 119 children from hazardous child labour, including in mining. The Committee notes that, according to the findings of the Integrated Labour Force Survey (ILFS) 2020/21 Analytical Report, of the 5.02 million children aged between 5 and 17 who are engaged in child labour, about 4.85 million children are involved in hazardous child labour. The Committee once again express its ***deep concern*** at the significant number of children who are involved in hazardous work in Tanzania. ***The Committee therefore once again strongly urges the Government to continue to take the necessary measures to strengthen and adapt the capacities of the labour inspectorate particularly through the provision of the necessary resources and training to enable labour inspectors to have access to and identify hazardous child labour in difficult sites, especially mines and quarries as well as in the informal economy so that they can take effective action to combat the worst forms of child labour. It also requests the Government to take the necessary measures to promote collaboration between the labour inspectorate and other relevant stakeholders to detect cases of children engaged in hazardous work and remove them from this worst forms of child labour. It requests the Government to continue to provide information on the measures taken in this regard and on the results achieved.***

Article 7(2). Effective and time-bound measures. Clause (a). Prevent the engagement of children in the worst forms of child labour. Access to free basic education. The Committee previously noted from the UNICEF-Tanzania Country report, 2018 that a total of 3.9 million children between the ages of 7 and 17 are out of school in Tanzania, of which 1.7 million children of primary school age and about 400,000 children of the lower secondary school age never attended any school. It also noted from UNESCO statistics that the net enrolment rate at the primary level in 2018 was 81.33 per cent while at the secondary level it was 26.55 per cent. The Committee urged the Government to take the necessary measures to improve the functioning of the educational system, so as to ensure that all children have access to quality education.

The Committee notes the Government's information on the various measures undertaken in this regard, namely: (i) introduction of the Fee-Free Basic Education Policy (FBEP) from pre-primary to upper secondary education through the National Education and Training Policy 2014 and 2023; (ii) issuance of the Education Circular No. 2 of 2018 to allow students to repeat and re-sit classes in both primary and secondary schools; (iii) introduction of the National Guidelines on School Feeding and Nutrition Services

to basic education students; (iv) establishment of counselling and guidance clubs in schools to monitor and track students who are at risk of dropping out; (v) adoption of a guideline for re-enrolling students who had dropped out of school to primary and secondary schools under the Student Re-enrolment and Alternative Path of Education programme; and (vi) implementation of the cash transfer programmes to disadvantaged groups through the Tanzania Social Action Fund (TASAF).

Moreover, the Government in collaboration with other stakeholders, civil society organizations and other development partners have been implementing several programmes to ensure that all students complete their education, including: Educate a Child Programme (EAC) a global programme of the Education above All Foundation (EAA); the Secondary Education Quality Improvement Project (SEQUIP) with the objective of empowering girls through secondary education and life skills and improving completion of quality secondary education for girls and boys; and the Qatar and UNICEF programme to ensure equitable, accessible and quality education at all levels for all Tanzanian children.

The Committee notes from the UNICEF report entitled *Data Must Speak: Unpacking Factors Influencing School Performance in Mainland Tanzania, 2024* that since the introduction of the FBEP, the net enrolment rates in primary schools have increased substantially from 84 per cent in 2016 to 95.3per cent in 2020. Yet, an estimated 3.2 million school-age children were out of primary school of whom 1.2 million had never attended any school. Almost 25 per cent of students dropped out at primary level or did not transition to lower secondary school. According to the statistics from UNESCO, in 2021 the out of school rate for children of lower secondary school age and the upper secondary school age stood at 50.51 and 83.60 per cent, respectively. While noting the measures taken by the Government, the Committee must once again express its ***concern*** at the significant number of primary and secondary school age children who are out of school. ***Recalling that education is key in preventing the engagement of children in the worst forms of child labour, the Committee strongly urges the Government to intensify its efforts to improve the functioning of the education system and to facilitate access of all children to free basic education. It requests the Government to continue to take effective and time-bound measures in this regard, aimed, in particular at increasing the school enrolment and attendance rates and reducing school drop-out rates at primary and secondary levels as well as to provide updated statistical information on the results obtained, disaggregated by age and sex.***

Clause (d). Identify and reach out to children at special risk. Children orphaned by HIV/AIDS and other vulnerable children. The Committee previously noted the Government's reference to the National Strategy on the Elimination of Child Labour 2018–22, the National Action Plan on Violence against Women and Children (NAP VAWC) 2017–2022 and the Decent Work Country Programme as having measures to address the issues of vulnerable children and the worst forms of child labour, including improving their access to alternative forms of education. However, noting that according to the UNAIDS estimates of 2019, around 860,000 children under 17 years were orphans due to AIDS, the Committee urged the Government to continue its efforts to ensure that those children were prevented from being engaged in the worst forms of child labour.

The Committee notes the Government's information that it has established a programme within the framework of the NAP VAWC and the National Costed Plan of Action for Most Vulnerable Children (NCPA MVC), to identify and register children living in vulnerable situations, including child orphans due to HIV/AIDS. The Government in collaboration with other stakeholders assess the needs of such children and provide for their education, food and accommodation. Accordingly, from 2021 to 2023, a total of 1,028,872 children, including 505,443 boys and 523,429 girls, living in vulnerable situations were identified and registered. The Committee once again notes from the UNAIDS estimates of 2022 that an estimated 890,000 children aged 17 years and under are orphans due to HIV/AIDS in Tanzania. ***Recalling once again that children orphaned by HIV/AIDS are at an increased risk of being engaged in the worst forms of child labour, the Committee strongly urges the Government to continue its efforts to ensure that those children are prevented from being engaged in these worst forms, in particular by increasing their access to education and vocational training and providing appropriate assistance and support.***

The Committee requests the Government to provide information on the concrete measures taken in this regard and the results achieved in terms of the number of orphans and vulnerable children withdrawn from the worst forms of child labour and rehabilitated.

The Committee is raising other matters in a request addressed directly to the Government.

United States of America

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 1999)

Previous comment

The Committee notes the observations of the American Federation of Labour and Congress of Industrial Organizations (AFL–CIO) received with the Government's report on 16 November 2023.

Articles 4(1), 5 and 7(1) of the Convention. Determination of types of hazardous work, monitoring mechanisms and penalties. Hazardous work in agriculture from 16 years of age. The Committee recalls, from its previous comments, that section 213 of the Fair Labour Standards Act (FLSA) permits children aged 16 years and above to undertake, in the agricultural sector, occupations declared to be hazardous or detrimental to their health or well-being by the Secretary of Labour. It recalls that work in agriculture was found to be "particularly hazardous for the employment of children" by the Secretary of Labour.

The Committee takes note of the Government's detailed report on the measures taken to protect children from the age of 16 from hazardous work in the agricultural sector and the changes implemented in law and practice with a view to giving full effect to the provisions of the Convention. The Government indicates that the Occupational Safety and Health Administration (OSHA) and the Wage and Hours Division (WHD) of the Department of Labor (DOL) continue to conduct outreach and educational campaigns to ensure that young workers are aware of their rights and have accurate safety information, particularly in agricultural work. The WHD also continues to conduct numerous investigations and, when violations occur, pursue effective penalties and resolutions to best protect young workers.

Regarding outreach and awareness-raising measures, the Government reports on recent actions, including: (1) updating and maintaining the OSHA, WHD, and NIOSH (National Institute for Occupational Safety and Health) websites to educate young workers, their parents, and employers on workplace safety and prohibited jobs; (2) using social media to promote safety awareness, especially in agriculture, through general safety videos; (3) conducting community outreach through OSHA, WHD and NIOSH; (4) producing educational materials, such as brochures, fact sheets, and toolkits, on various work hazards, including those relevant to agriculture; and (5) OSHA's Alliance Program, through which it works with groups committed to worker safety and health to prevent workplace fatalities, injuries, and illnesses to develop compliance assistance tools and resources, share information with workers and employers, and educate about rights and responsibilities (39 alliances – 8 National alliances and 31 Regional alliances – as of 30 June 2023). The Committee also notes the February 2023 initiatives by the DOL and Department of Health and Human Services (HHS) to address child labour exploitation, particularly of migrant children, by vetting sponsors and investigating violations.

Regarding migrant children, the Committee notes the AFL-CIO's observations on the Department of Homeland Security's (DHS) new procedures in 2023, which extend temporary status protections and work authorization to immigrant workers who assist labour agency investigations. Labour agencies at the local, state, or federal level can issue Statements of Interest (SoIs) to DHS, highlighting the need to protect workers from immigration status-based retaliation by employers. The WHD has already issued numerous SoIs concerning child labour violations across multiple industries. Since most child labour violations in the United States affect migrant children, these protocols are crucial for addressing power imbalances that discourage reporting and allow abuses to continue and should help expose and address child labour exploitation by making it safer for immigrant workers to report violations.

Regarding enforcement, the Government indicates that WHD continues a multi-pronged approach to promote and achieve compliance with the FLSA. This includes strategic investigations, stakeholder engagement and education, and the use of communication tools and compliance assistance. Using a data-driven approach, WHD prioritizes enforcement in areas where violations are most likely. WHD investigators assess potential child labour violations in every FLSA investigation. The Government reports that WHD identified 851 child labour violation cases in 2020, 747 in 2022, and 835 in 2023. The number of minors found working in violation of the FLSA was 3,395 in 2020, 2,819 in 2021, and 3,876 in 2022.

The Government further indicates that, in 2022, WHD imposed a record US$4,386,205 in child labour civil money penalties, up from US$3,394,646 in 2021. The Committee notes that, according to the WHD website, this number increased to 8 million in 2023. In this regard, the Committee notes that the maximum child labour civil money penalty for violations of the FLSA resulting in the death or serious injury of a worker who is a minor has been increased to US$68,801 in January 2023 (from US$50,000 in 2015), pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act.

Finally, the Committee notes the Government's information that the National Children's Centre for Rural and Agricultural Safety and Health, funded by NIOSH, publishes an annual fact sheet on childhood occupational injuries. According to the 2022 Fact Sheet, agriculture remains the leading sector for occupational fatalities among youth aged 17 and younger. The Bureau of Labor Statistics (BLS) also compiles data on both fatal and non-fatal workplace injuries by industry, occupation, and age. The Committee observes that, according to the BLS website as of August 28, 2023, there were 133 fatal work-related injuries to agricultural workers in 2021, 15 fewer than in 2020 and the lowest number since 2013 (40 per cent of these fatalities concerned agricultural workers over 55 years of age). Twenty-five of these fatalities involved motor vehicle incidents off public roadways. Additionally, the BLS data for 2022 shows an injury, illness, and fatality incidence rate of 4.1 per cent in agriculture, forestry, fishing, and hunting, with specific rates of 4.1 per cent in crop production and 4.9 per cent in animal production and aquaculture. However, these statistics exclude farms with fewer than 11 employees.

The Committee takes due note of the various awareness-raising, educational, inspection and enforcement initiatives taken by the Government to protect the health and safety of young persons working in agriculture and to reduce the number of their work-related injuries on farms. It observes, however, that the statistical information shows that agriculture remains a dangerous sector, with a number of fatalities and injuries. It also observes that there is a lack of clear, up-to-date information on the number of fatalities and injuries as regards young workers, who work for family-owned businesses, or on farms with fewer than 11 employees.

While welcoming the significant measures taken by the Government, the Committee requests the Government to continue its efforts to ensure that children under 18 years of age only be permitted to perform work in agriculture on the condition that their health and safety are protected and that they receive adequate specific instruction.

The Committee further requests the Government to provide statistical information on hazardous child labour in agriculture specifically, including:

- ***the number of FLSA child labour violations that concerned children under the age of 16 years working in hazardous jobs in the agricultural sector, including those working on family farms;***
- ***the number of work-related injuries to young persons aged 16 to 18 working in agriculture;***
- ***the number of migrant children who have been prevented from engaging in hazardous work in agriculture, or withdrawn, as a result of the various measures taken to protect them (e.g. vetting of sponsors and investigations of violations by the HHS and SOIs issued the WHD that concern child labour violations in the agricultural sector).***

The Committee is raising other points in a request addressed directly to the Government.

Uzbekistan

Minimum Age Convention, 1973 (No. 138) (ratification: 2009)

The Committee notes the observations of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), received on 31 August 2023.

Article 2(1) of the Convention. Minimum age for admission to work, labour inspection and application in practice. The Committee notes, from the Government's report, the adoption of the new Labour Code in 2022, which further restricts the employment of persons under the age of 18 years and continues to prohibit their employment in hazardous work (section 412).

The Committee notes the Government's indication, in its report on the application of the Worst Forms of Child Labour Convention, 1999 (No. 182), that it has held training seminars to strengthen the capacities of labour inspectors working on child labour. In particular, 117 state labour inspectors upgraded their skills through the national advanced training courses of the Ministry of Employment and Labour Relations. The Committee further notes that: (1) in 2022, the State Labour Inspectorate received more than 19,000 communications on labour relations in all sectors, with labour inspectors examining 24,200 organizations and enterprises, and identifying 89,800 cases of labour-related violations; (2) during the course of the examinations, around 10,000 written instructions and 2,675 submissions were sent to employers in order to remedy violations; and (3) for 2022–23, no criminal case of child labour was investigated by investigative units. However, the Committee notes, from the observations of the IUF that: (1) during 2020–23, instances of children working in cotton harvesting and other related activities were reported; (2) complainants are not always willing to speak with labour inspectors, for fear of reprisals from their superiors; and (3) some farmers have admitted to utilizing their children for work in their farms.

The Committee notes that the United Nations Committee on the Rights of the Child (CRC), in its concluding observations: (1) noted the persisting reports of child labour cases, in particular in the construction and cotton industries; and (2) recommended that the Government pursue its efforts to eliminate the use of child labour, including through the use of regular labour inspections and continuous capacity-building of employers, farmers, local authorities and other relevant stakeholders (CRC/C/UZB/CO/5, 27 October 2022, paragraph 45). ***The Committee requests the Government to strengthen its efforts towards the effective elimination of child labour, including in construction and agriculture. In this regard, it requests the Government to continue to provide information on: (i) the measures taken to this end; (ii) any further capacity-building of the labour inspection services to allow them to monitor child labour in all sectors, including in construction, agriculture and the informal economy; (iii) the number of inspections carried out in relation to child labour, if possible disaggregated by region and sector of the economy; (iv) the number and nature of violations detected and the types of sanctions imposed; and (v) the number of children below the minimum working age who are engaged in child labour in the country, disaggregated by sex and sector of activity.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2008)

Previous comment

The Committee notes the observations of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), received on 31 August 2023.

Articles 3(a) and (d) and 7(1) of the Convention. Worst forms of child labour and penalties. Forced or compulsory labour in cotton production and hazardous work. The Committee notes, from the Government's report, the adoption of the Resolution of the Cabinet of Ministers No. 290 of 14 July 2023 approving the new List of Heavy Work and Work with Harmful or Hazardous Working Conditions in which the Employment of Persons under the Age of 18 is Prohibited. The Committee notes that, as was

provided in the previous Resolution, the engagement of children in watering and picking cotton continues to be prohibited.

The Committee notes, the Government's indication that in 2022, national monitoring groups carried out monitoring activities on child and forced labour in cotton production in 398 farms. In addition, 21 vocational educational institutions, 298 general education schools, 103 health care institutions, 15 business entities, 112 *khokimiyat* (local administrations) and 2,453 respondents in 151 citizens' gatherings were surveyed. The Government informs that the results of the national monitoring show that, in 2022, there were no cases recorded of trafficking or forced participation of workers in the cotton harvest season. The Committee further notes, from the conclusions of the 2021 ILO Third Party Monitoring Report on child labour and forced labour during the cotton harvest (TPM report of 2021) that Uzbek cotton continues to be free from systematic forced labour and child labour. The Committee also notes that: (1) on 29 November 2023 the ILO organized a workshop for social partners to present the integrated ILO Approach on Good Governance and Decent Work in Uzbekistan's Cotton, Textile and Apparel Sector; (2) during the workshop, the participants validated the workplan for 2023–26 of the new project RISE for Impact: Fundamental Principles and Rights at Work in the Cotton Supply Chain; and (3) the RISE for Impact project aims to reinforce the respect and realization of the fundamental principles and rights at work by enhancing the knowledge of cotton growing communities, district branches of constituents, farmers' unions and concerned civil society organizations.

The Committee further notes, from the observation of the IUF, the reports that, although not systematic or systemic, children continue to be engaged in the cotton harvest and other related tasks. It also notes, from the concluding observations of the United Nations Committee on the Rights of the Child (CRC), the existence of persisting reports of child labour cases, in particular in the cotton industry (CRC/C/UZB/CO/5, 27 October 2022, paragraph 45). ***The Committee requests the Government to strengthen its efforts to ensure the effective elimination of compulsory labour and hazardous work of children below the age of 18 years in cotton production. In this regard, it requests the Government to continue to provide information on: (i) any new awareness-raising and monitoring activities on child labour during the cotton harvest; (ii) the RISE for Impact project and the measures taken for its implementation; and (iii) any cases of child labour, including in hazardous work, detected in the cotton harvest. The Committee also requests the Government to: (i) continue third party monitoring efforts, in cooperation with the ILO; and (ii) provide information on the number and nature of violations detected and penalties applied against persons who engage children under the age of 18 years during the cotton harvest.***

The Committee is raising other points in a request addressed directly to the Government.

Viet Nam

Minimum Age Convention, 1973 (No. 138) (ratification: 2003)

Previous comment: observation

Previous comment: direct request

Article 1 of the Convention. National policy. The Committee notes the Government's indication, in its report, that after five years of implementing the Programme to Prevent and Reduce Child Labour for the period 2016–20: (1) more than 8,000 seminars and conferences were organized on supporting child labour prevention, intervention and reduction; (2) 325,379 instruction documents were prepared on prevention, detection, intervention, assistance for working children, children in child labour and those at risk of child labour; (3) 2,858,693 children at risk of child labour received assistance; and (4) every year, all provinces provided training to improve the capacity of about 1,500 officials at all levels (province, district, commune) on child labour prevention and reduction.

The Committee notes the continued implementation of the ILO ENHANCE Project, which is assisting national level efforts to prevent child labour through capacity-building, awareness-raising and direct interventions. The Committee also notes with ***interest*** the Government's indication that, in May 2021, the Prime Minister promulgated Decision No. 782/QD-TTg approving the Programme on Preventing and Reducing Child Labour for the period 2021–25 with a vision to 2030. Its goals and orientations include: (1) preventing, detecting, supporting and intervening against child labour and for children at risk of child labour; (2) reducing the rate of children involved in child labour aged 5–17 years to 4.9 per cent by 2025 and 4.5 per cent by 2030; (3) providing 100 per cent of children in child labour or at risk of child labour with timely support, intervention, management and monitoring upon notification; and (4) raising awareness about and educating on the prevention and reduction of child labour. ***The Committee requests the Government to continue to take measures to prevent and reduce child labour, including within the framework of the Programme on Preventing and Reducing Child Labour for the period 2021–25, with a vision to 2030 and the ENHANCE Project, and to provide detailed information on the results achieved, including in terms of the number of children withdrawn from child labour and provided with assistance.***

Article 9(1). Penalties, labour inspectorate and application of the Convention in practice. The Committee takes note of the information provided by the Government on the measures taken to reduce child labour, such as: (1) developing and implementing programmes and projects to prevent and reduce child labour at the national and international levels; (2) communicating to raise awareness of the public and social communities on preventing and minimizing child labour; (3) supporting children in difficult circumstances to access education and healthcare; (4) providing subsidies for children in particularly difficult circumstances; and (5) supporting the livelihoods of poor families. More specifically, the Government refers to the adoption of the Project "Improving inspection capacity of the Labour, Invalids and Social Affairs Sector in the period 2021–25", the objectives of which are to improve the functioning of institutions, strengthen the state apparatus and gradually build a modernized labour inspectorate. In 2022–23, the Ministry of Labour, Invalids and Social Affairs (MOLISA) organized three training courses for labour inspectors and officials engaged in child-related work on the implementation of legislation relating to child labour. The Government further states that MOLISA mainstreamed child labour inspections in enterprises, production and business establishments in the informal economy that employ minors. Enterprises were also instructed to self-inspect and self-examine labour policies and laws, including the employment of minor workers.

The Committee notes the Government's indication that, in 2021–22, no child labour violation was detected. However, the Government also indicates that 5 per cent of children aged 5 to 17 years continue to be engaged in child labour in the country. The Government also states that the final evaluation report of the Programme to Prevent and Reduce Child Labour for the period of 2016–20 highlights that the number of children identified in child labour is very small and the monitoring and supervising system for child labour in localities still has many limitations. Furthermore, the Committee notes from the concluding observations of the United Nations Committee on the Rights of the Child (CRC), the concerns about the large number of children still involved in child labour, including in hazardous work (CRC/C/VNM/CO/5-6, 21 October 2022, paragraph 47). While it takes note of the slight decrease in child labour, which was at 5.4 per cent in 2018, the Committee notes with ***concern*** that there is still a significant number of children engaged in child labour, particularly in hazardous work and that labour inspection services continue to be ineffective in detecting and penalizing child labour. ***The Committee therefore once again urges the Government to strengthen its efforts to ensure the effective elimination of child labour. To this end, it requests the Government: (i) to continue to take measures to strengthen the capacity and expand the reach of the labour inspectorate in its action to detect, monitor, prevent and combat child labour; (ii) to provide detailed information on the measures taken in this regard; and on (iii) the results achieved, including extracts from the reports of the inspection***

services and court decisions, as well as information on the number and nature of the child labour violations reported and the sanctions imposed.

The Committee is raising other matters in a request addressed directly to the Government.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Article 3(b) of the Convention. Worst forms of child labour. Commercial sexual exploitation and use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances. With regard to its previous comments, the Committee notes, from the Government's report, that it considers that it is not necessary to amend section 147 of the Criminal Code which prohibits the persuading, enticing and forcing a person under 16 years of age to participate in a pornographic performance, to extend it to children under the age of 18 years. The Government explains that: (1) section 11 of the Youth Law 2020 provides that the State shall apply international treaties on the rights of the child to young persons aged 16 to 18 years; (2) under section 326 of the Criminal Code, which sets out penalties for the distribution of pornographic material, it is an aggravating factor to distribute pornographic material to persons under the age of 18 years; and (3) therefore the Government considers that the use, procuring or offering of a child aged 16 to 18 years for pornographic performances is already prohibited. In this regard, the Committee observes that while section 326 of the Criminal Code prohibits *the distribution of pornographic material* to children under the age of 18 years, it does not prohibit the *use, procuring or offering of a child under 18 years for the production of pornography*. In addition, it once again recalls that the lack of specific legislative provisions prohibiting child pornography is particularly problematic, especially in countries where this worst form of child labour is clearly present, and it emphasizes the importance of having a specific prohibition of this worst form of child labour for all children under the age of *18 years* (see the 2012 General Survey on the fundamental Conventions, paragraph 516).

The Committee further notes the general information provided by the Government on the measures taken to combat the commercial sexual exploitation of children, including: (1) the adoption of the Programme on protection and support for children's safe and creative interaction online period 2021–25, to prevent and address any prohibited acts under the Law on Children 2016, including sexual abuse against a child; and (2) the adoption of the Prostitution Prevention Programme 2021–2025 with the goal of strengthening prevention and action against prostitution, with a particular focus on the prevention, early detection and protection of minors. The Committee notes, however, that the Government does not provide specific information on the measures taken to implement the above-mentioned programmes, nor on the results achieved.

The Committee further notes, from the concluding observations of the United Nations Committee on the Rights of the Child (CRC), the concerns about the high level of sexual exploitation and abuse of children, including through online sexual abuse material and in the context of prostitution, and the significant underreporting and investigation of such cases (CRC/C/VNM/CO/5-6, 21 October 2022, paragraph 29). ***The Committee once again strongly urges the Government to take the necessary measures to ensure that the use, procuring or offering of a child under 18 years for the production of pornography or for pornographic performances is expressly prohibited, by amending section 147 of the Criminal Code. It once again requests the Government to provide information on: (i) on any progress made to amend section 147 of the Criminal Code; (ii) the targeted measures undertaken to combat the commercial sexual exploitation of children under 18 years of age, including in the framework of the Programme on protection and support for children's safe and creative interaction online period 2021–2025 and the Prostitution Prevention Programme 2021–2025; and (iii) the results achieved, by including statistical data on the number of persons arrested, prosecuted and sentenced for the commercial sexual exploitation of children under the age of 18 years, as well as the penalties imposed.***

Article 7(2)(b). Effective and time-bound measures to provide assistance for the removal of children in the worst forms of child labour and for their rehabilitation and social integration. Child victims of commercial sexual exploitation. The Committee previously noted the adoption of Decree No. 56/2017/ND-CP to implement some provisions of the Law on Children 2016 regarding child abuse, including sexual abuse, and that the Decree provides that sexually abused children, are entitled to healthcare, social assistance, education and vocational training assistance, legal assistance, psychological counselling, and other child protection services. In response to the Committee's request for clarification, the Government indicates that sexually abused children who are provided with psychological, social, health care, educational support and other protection services, are not victims of commercial sexual exploitation.

The Committee notes the Government's indication that measures to prevent the commercial sexual exploitation of children were taken, including: (1) awareness-raising, dissemination, and education of laws on trafficking and commercial sexual exploitation; (2) use of the National Child Protection Hotline to receive and process information relating to claims and denunciation of violations of children's rights; (3) development of 33 models of child-friendly investigation rooms at local police stations to resolve cases relating to children under 18 years; and (4) applying specialized professional processes in the investigation of cases where victims are sexual exploited, in accordance with Circular No. 43/2021/TT-BCA.

The Government further refers to the detection of: (1) three cases of commercial sexual exploitation in 2021; (2) three cases of using a child under the age of 16 years for pornographic purposes in 2022; and (3) five cases of commercial sexual exploitation relating to six victims in the first quarter of 2023. However, the Committee notes that the information provided does not specify the total number of child victims *under the age of 18 years* identified, nor does it provide information on the necessary and appropriate direct assistance for the removal of these children from this worst form of child labour and for their rehabilitation and social integration.

The Committee notes, from the 2022 Annual Report of UNICEF that efforts were made to enhance the capacity of the workforce in the social welfare, health and education sectors to provide better child protection services. Some 3,500 social welfare officers, teachers, health workers and NGO staff were trained in foundational knowledge and skills on gender-sensitive child protection, case management, child labour prevention, and mental health and psychosocial support, as well as Prevention of Sexual Abuse and Exploitation. However, the Committee notes, from the concluding observations of the CRC that, in relation to the sexual exploitation of children, it expressed concern about the insufficient professional capacity, including a shortage of professional social workers and child protection officers, and the lack of a multidisciplinary and child-sensitive approach to the provision of support to children who are victims of violence (CRC/C/VNM/CO/5-6, paragraph 29). ***The Committee requests the Government to take all the necessary measures to ensure that child victims of commercial sexual exploitation under the age of 18 years are provided with the necessary and appropriate direct assistance for their removal from this worst form of child labour and for their rehabilitation and social integration. In this regard, it requests the Government to provide specific information on the measures taken and the results achieved, including on the number of children identified as victims of commercial sexual exploitation and provided with assistance for their rehabilitation and social integration, through education, vocational training or jobs. Noting that the Government is silent on this point, the Committee once again requests the Government to take the necessary measures to ensure that children engaged in prostitution are treated as victims rather than offenders and therefore are not punished for their engagement in prostitution, and to provide information on any progress made or results achieved in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Yemen

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country.

Article 1 of the Convention. National policy designed to ensure the effective abolition of child labour and practical application of the Convention. In its previous comments, the Committee noted the various initiatives, policies and measures adopted by the Government, in cooperation with the ILO, employers, workers and civil society organizations, to combat child labour. However, the Committee noted from an ILO survey that more than 1.3 million children between the ages of 5 and 17 were involved in child labour. It further noted from the Yemen Humanitarian Situation Report of March 2017 that more than 9.6 million children were affected by armed conflict in the country with over 1.6 million children who were internally displaced. Noting with deep concern at the large number of children below the minimum age for admission to employment or work who are involved in child labour, the Committee urged the Government to take immediate and effective measures to improve the situation of children in Yemen and to protect and prevent them from child labour, including through the adoption of the national action plan to combat child labour.

The Committee welcomes the information provided by the Government representative, during the discussion at the 108th Session of the Conference Committee on the Application of Standards in June 2019, concerning the application of the Worst Forms of Child Labour Convention, 1999 (No. 182), by Yemen that it has adopted an Action Plan, 2019–26 to combat child labour. The objectives of this Action Plan include: (i) to prevent child labour and protect children; (ii) to ensure social protection to children who end up in the labour market; (iii) to ensure that the monitoring bodies are better able to intervene in cases of child labour; (iv) to increase vocational training; (v) to undertake a study on child labour; and (vi) to adopt a national policy against child labour. The Committee also notes the Government's information in its report that, in cooperation with UNICEF, it is implementing a project for the care and rehabilitation of vulnerable children affected by the conflict as well as a national child protection plan, which contain social protection measures for children. It also notes the Government's information that an estimated 9,941 vulnerable children have benefited from the care and rehabilitation project. Moreover, a National Protection Committee, chaired by the Minister of Social Affairs and Labour and comprising representatives from various governmental bodies and relevant international organizations, has been established. The National Protection Committee provides an effective forum for discussion and exchange of views in order to stimulate cooperation in the fields of social protection, including child protection.

The Committee notes the Government's statement that the consequences of the conflict have extended to child labour. It also notes the Government's reference to the UNICEF report, which states that the worsening economic situation and loss of source of income by many families has resulted in around 2 million children dropping out of school to enter the labour market. It is anticipated that the crisis will have the effect of increasing the scale of child labour and an estimated between 1–3 three million children will have no social protection and will be vulnerable to numerous forms of exploitation. In this regard, the Committee notes from the UNICEF Humanitarian Situation Report of Yemen of June 2019 that an estimated 12.3 million children are in need of humanitarian assistance in the country. While acknowledging the difficult situation prevailing in the country, the Committee must express its ***deep concern*** at the situation of children in the country wherein a high number of children are involved in child labour and who are vulnerable to such exploitation. ***While acknowledging the complexity of the situation prevailing on the ground and the presence of armed conflict in the country, the Committee urges the Government to intensify its efforts to improve the situation of children in Yemen and to protect and prevent them from child labour. It requests the Government to provide information on the measures taken in this regard, including the measures taken within the framework of the Action Plan 2019–26, and the results achieved. The Committee further requests the Government to continue to provide information on the manner in which the Convention is applied in practice, including statistical data on the employment of children and young persons.***

Article 6. Minimum age for admission to apprenticeship. In its previous comments, the Committee expressed the firm hope that the draft Labour Code which contains provisions setting a minimum age of

14 years for apprenticeship and the Ministerial Order No. 11 which would be amended to set a minimum age of 14 years for apprenticeship, would be adopted soon.

The Committee notes from the Government's report that the draft Labour Code and the Ministerial Order No. 11 has not been adopted. ***The Committee therefore requests the Government to take the necessary measures to ensure that the provisions under the draft Labour Code and the Ministerial Order No. 11, which establish a minimum age of 14 years for apprenticeship, will be adopted without delay. It requests the Government to provide information on any progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country.

The Committee notes the observations of the International Organisation of Employers (IOE), and the International Trade Union Confederation (ITUC) received on 29 August and 1 September 2019, respectively. It also notes the Government's report and the detailed discussion which took place at the 108th Session of the Conference Committee on the Application of Standards in June 2019, concerning the application by Yemen of the Convention.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 108th Session, June 2019)

Article 3(a) of the Convention. All forms of slavery or practices similar to slavery. Compulsory recruitment of children for armed conflict. In its previous comments, the Committee noted the Government's information that in 2012, a Presidential Decree prohibiting the recruitment of children in the armed forces was adopted. It also noted the Government's statement that the action plan to put an end to the recruitment and use of children by the armed forces, which was concluded in 2014 with the Special Representative of the United Nations Secretary-General for Children and Armed Conflict, was hindered due to the worsening of the armed conflict since 2015. The Committee further noted from the UNICEF report entitled *Falling through Cracks: The Children of Yemen, March 2017* that at least 1,572 boys were recruited and used in the conflict, 1,546 children were killed and 2,458 children were maimed. Moreover, the Report of the Ministry of Human Rights, 2018, reported an increasing number of conscripted children, about 15,000, by the Houthi militias and their methods of mobilizing these children to fight on front lines. According to the report, children recruited by this group were forced to use psychotropic substances and drugs and had been used to penetrate the Saudi borders. They were also trained to use heavy weapons, to lay landmines and explosives and were used as human shields. The Committee deeply deplored the use of children in armed conflict and strongly urged the Government to take the necessary measures to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children under 18 years of age into armed forces and groups.

The Committee notes the observations of the IOE that the situation of children in Yemen is of concern, due to the involvement and recruitment of children in armed conflict. The Committee also notes that the ITUC, in its observations, states that due to the intensification of the conflict in 2015, the action plan developed in 2014 and the 2012 Presidential Decree banning child recruitment in armed conflict remain moot.

The Committee notes that the Conference Committee, in its conclusions, urged the Government to implement the action plan of 2014 to end the recruitment of children by armed forces.

The Committee notes the Government's information in its report that it is in the process of concluding an agreement with the ILO Regional Office for Arab States in Beirut to implement a two-year project designed to prevent the recruitment and exploitation of children in armed conflict. This project will target 300 children in the three governorates of Sanaa, Lahij and Hajjah. The Committee notes, however, from the Report of the UN Secretary-General on Children and Armed Conflict, June 2019 (A/73/907-S/2019/509) that in 2018, the

United Nations verified the recruitment and use of 370 children with the majority recruitment attributed to Houthis (170) and Yemeni Government forces (111). Of the total number, at least 50 per cent of the children were below 15 years and 37 per cent of them were used in active combat. For the first time the United Nations verified the recruitment and use of 16 girls between the ages of 15 and 17 by the Houthis. It also notes that the Secretary-General expressed concern at the violations against children committed by the armed groups, particularly the persistently high levels of recruitment and use, maiming and killing and denial of humanitarian access to children. The Committee further notes from the Report of the Secretary-General that a road map was endorsed by the Government in 2018 to expedite the implementation of the 2014 action plan to end and prevent the recruitment and use of children and to call for the immediate release of all children from its ranks. While noting some of the measures taken by the Government, the Committee must express its ***deep concern*** at the continued use and recruitment of children by armed groups and forces and at the current situation of children affected by armed conflict in Yemen, especially as it entails other violations of the rights of the child, such as abductions, murders and sexual violence. ***While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country, the Committee once again strongly urges the Government to continue to take measures, using all available means, to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children under 18 years of age into armed forces and groups, including through the effective implementation of the national action plan to put an end to the recruitment and use of children in armed conflict, 2014. It also urges the Government to take immediate and effective measures to ensure that thorough investigations and prosecutions of all persons who recruit children under 18 years of age for use in armed conflict are carried out, and that sufficiently effective and dissuasive penalties are imposed in practice. It requests the Government to provide information on the number of investigations conducted, prosecutions brought and convictions handed down against such persons.***

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. In its previous comments, the Committee noted from the UNESCO Institute for Statistics, that the net school enrolment rates in Yemen was low with 76 per cent (82 per cent boys and 69 per cent girls) in primary education and 40 per cent (48 per cent boys and 31 per cent girls) in secondary education. It also noted from the UNICEF Yemen Situation report that according to the findings of the Out-of-School Children Survey conducted by UNICEF in Al Dhale governorate, 78 per cent of the 4,553 children who dropped out of school were girls. The Committee accordingly urged the Government to intensify its efforts to improve the functioning of the education system in the country and to facilitate access to free basic education for all children, especially girls, by increasing the school enrolment rates at the primary and secondary levels and by decreasing their drop-out rates.

The Committee notes the observations made by the IOE that the widespread conflict and the risk of attacks on schools as well as the recruitment or abduction of children for combat purposes all play a significant role in separating children from their right to a basic education free from interference or harm. The Committee notes that the Conference Committee, in its conclusions, urged the Government to take all necessary measures to ensure equal access to free basic education for all children of school age.

The Committee notes the Government's reference to various sector-based strategies formulated to develop education in order to meet its obligations under the 2000 Dakar Framework for Action of Education for All and Millennium Development Goals. The Committee notes, however, that except for the Strategic Vision 2025, all the strategies indicated have been outdated. The Government also states that measures to implement strategies to develop education are under way. The Committee notes the Government's statement in its report under the Minimum Age Convention, 1973 (No. 138), that as a result of the various measures taken by the Government, the school enrolment rates at primary and secondary level have increased substantially. Moreover, measures have been taken to repair damaged schools in liberated areas and to provide the necessary means to ensure continuity of education. In this regard, the Committee notes from the UNICEF Humanitarian Situation Report of Yemen that during the first half of 2019, UNICEF's Education Programme have supported the construction of 97 semi-permanent classrooms in 33 schools which provide alternative learning opportunities to 18,159 internally displaced children; completed the rehabilitation of 13 affected schools; provided 21,891 new student desks in 500 schools; and provided school bags and other essential materials to 15,251 children to support and encourage access and reduce economic barriers to schooling. However, the Committee notes from the UNICEF report of March 2018, that since the escalation of conflict in 2015, more than 2,500 schools are out of use with two-thirds damaged by attacks,

27 per cent closed and 7 per cent used for military purposes or as shelters for displaced people. Furthermore, the Committee notes the Government's admission that many problems prevent the Government from carrying out its educational development policies, such as the population dispersal, the difficult economic and social circumstances, the prevalence of certain customs and traditions, including the early marriage of girls, high levels of vulnerability, poverty and the ongoing war in the country. The Committee notes from the UNICEF report of March 2019 that out of seven million school-aged children, over two million children are already out of school. While noting the measures taken by the Government, the Committee must once again express its ***deep concern*** at the large number of children who are deprived of access to education because of the climate of insecurity prevailing in the country. ***Considering that education is key in preventing children from being engaged in the worst forms of child labour, the Committee once again urges the Government to intensify its efforts to improve the functioning of the education system in the country and to facilitate access to free basic education for all children, especially girls, by increasing the school enrolment and attendance rates at the primary and secondary levels and by decreasing their drop-out rates. It requests the Government to continue to provide information on the measures taken in this regard and on the results achieved.***

Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from such work and ensuring their rehabilitation and social integration. 1. *Children in armed conflict.* In its previous comments, the Committee noted from the Report of the Ministry of Human Rights, 2018, that workshops and civil society campaigns on the rehabilitation of children withdrawn from armed conflict were carried out and rehabilitation centres were opened for such children. Hundreds of children recruited by militias were released and provided with medical care. This report further indicated that the Government of Yemen, in cooperation with the Arab Coalition and the International Committee of the Red Cross and UNICEF, received 89 children who were recruited by the Houthi militia and deployed along the borders, out of which 39 children were rehabilitated and returned to their families. The Committee urged the Government to continue to take effective and time-bound measures to ensure that children removed from armed groups and forces receive adequate assistance for their rehabilitation and social integration.

The Committee notes that in its conclusions, the Conference Committee urged the Government to provide information and statistics on the number of children engaged in armed conflict, the number of those liberated and provided with rehabilitation and reintegration services.

The Committee notes the Government's information that at present there are no data and information on the number of children released from military camps and rehabilitated and reintegrated in the community. However, the Government indicates that a database on affected children and the services provided to them will be launched in cooperation with UNICEF. ***The Committee expresses the firm hope that the Government will take the necessary measures, without delay, to ensure the establishment of the database relating to the number of children withdrawn from armed conflict, rehabilitated and reintegrated to the community. It requests the Government to provide information on any progress made in this regard as well as on the information on the number of children who have been withdrawn and rehabilitated. The Committee further requests the Government to provide information on the effective and time-bound measures taken to remove children from armed groups and forces and to provide adequate assistance for their rehabilitation and social integration, including reintegration into the school system, vocational training, or alternative learning opportunities wherever possible and appropriate.***

2. *Abandoned and street children.* The Committee notes that the Government representative of Yemen, during the discussion at the Conference Committee, stated that the country faces several challenges and one of those being the increasing number of abandoned children and children begging. ***The Committee urges the Government to take effective and time-bound measures to protect abandoned children and child beggars from being engaged in the worst forms of child labour and to provide them with the appropriate assistance and services for their rehabilitation and reintegration. It requests the Government to provide information on the measures taken in this regard and on the results achieved.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Zimbabwe

Minimum Age Convention, 1973 (No. 138) (ratification: 2000)

Previous comment

Article 1 of the Convention. National policy, labour inspection and application of the Convention in practice. The Committee notes the Government's indication that it has increased the budgetary allocations for the Basic Education Assistance Module (BEAM), one of the numerous forms of social protection measures to reach out to children who have never been to school due to social and economic constraints and provide them with educational assistance. The increased budget has allowed BEAM to increase the number of vulnerable children receiving educational assistance: 583,547 children in 2019, 1,360,000 children in 2021 and 1,856,996 in 2022. The Government also indicates that it is currently reviewing the National Action Plan for Orphans and Vulnerable Children and developing a fourth National Action Plan for Orphans and Other Vulnerable Children for the period 2023–27 (NAP-OVC IV). It is envisaged that the successor plan will provide for governance structures that will improve the implementation of ongoing programmes, such as BEAM and school feeding programmes.

With regard to labour inspection, the Committee notes the Government's information that: (1) it continues to monitor the incidence of child labour by conducting regular labour inspections; (2) it is continuously improving the mobility of the labour inspectors by increasing the number of vehicles of the force; (3) 2,044 labour inspections were undertaken in 2020, 2,919 in 2021 and 5,972 in 2022; and (4) the National Employment Council (NEC) for the Agricultural Sector also conducted 31 labour inspections in 2020, 158 in 2021 and 678 in 2022. The Committee notes, however, that no information is provided on the findings of the inspections that took place.

The Committee recalls that, according to the findings of the UNICEF 2019 Multiple Indicator Cluster Survey, 27.9 per cent of children aged 5–17 years are estimated to be involved in child labour with more boys engaged in child labour than girls. Considering the prevalence of child labour in the country, the Committee notes with ***regret*** the absence of information provided on the findings of the labour inspections undertaken. ***The Committee therefore once again urges the Government to: (i) take concrete measures to ensure the progressive elimination of child labour, including through the effective implementation of BEAM and the NAP-OVC IV; and (ii) take the necessary measures to strengthen the capacities of the labour inspection services and the NEC for Agriculture so as to enable them to adequately monitor and detect cases of child labour, including in the informal economy. It once again requests the Government to: (i) provide information on the measures taken in this regard and on the results achieved towards the progressive elimination of child labour; (ii) continue to provide information on labour inspections and the inspections of the NEC for the Agricultural Sector with regard to child labour; and (iii) ensure that this information indicates the number and nature of violations detected, including in the agricultural sector, and the sanctions imposed.***

Minimum age. The Committee notes the Government's indication that the Labour Amendment Act 11 of 2023 raises the penalty of a person convicted of child labour under section 11 of the Labour Act, from a maximum of 2 years imprisonment and/or a fine, to a maximum of 10 years imprisonment and/or a fine.

The Committee further notes the Government's indication that is has notified the Director-General of the ILO of the new minimum age for entry into employment (16 years, as per section 11(a)(ii) of the Labour Act, as amended), in compliance with *Article 2(2)* of the Convention. However, the Committee notes that this notification has not been received by the Director-General. In this regard, the Committee brings the Government's attention to *Article 2(2)* of the Convention, according to which a Member State that has ratified the Convention may subsequently notify the Director-General of the ILO, by declaration, that it specifies a minimum age higher than previously specified (14 years in its initial declaration). ***The Committee therefore once again requests the Government to consider the possibility of notifying the***

ILO Director-General, with a new declaration, that the minimum age specified at the time of ratification of the Convention has been raised from 14 to 16 years.

Article 2(3). Age of completion of compulsory schooling. With reference to its previous comments, the Committee notes that the Education Act was amended in 2019 to: (1) introduce the concept of "basic education", defined as going "from early childhood education up to the fourth form" (section 2); and (2) provide that "every child shall be entitled to compulsory basic state-funded education" (section 5(1)). The Committee further notes the Government's indication that "the age of completion of compulsory schooling (fourth form) is normally 16 years". It therefore notes with ***satisfaction*** that the age of compulsory schooling has been amended to coincide with the minimum working age, in accordance with *Article 2(3)* of the Convention.

Article 7(3). Determination of light work. The Committee notes the Government's information that, following the Labour Amendment Act 11 of 2023, all implementing instruments will be revised through the tripartite labour advisory council, including Statutory Instrument 155 of 1999 on the types of light work activities. The Government adds that it will keep the Committee informed on any progress made in this regard. The Committee recalls that it has been raising this issue since 2003. ***It therefore requests the Government to take all the necessary measures to ensure that the list of types of light work that may be performed by children from the age of 13 years will be revised and adopted in the near future. The Committee requests the Government to provide information on any progress made in this regard.***

Worst Forms of Child Labour Convention, 1999 (No. 182) (ratification: 2000)

Previous comment

Article 7(2) of the Convention. Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education. The Committee notes the Government's indication, in its report, that: (1) in 2022 and 2023, a pilot project was launched, providing Grants-in-Aid of Tuition to 20 rural districts with the least annual per capita revenue per year (2 districts per province), covering fees, tuition, textbooks and uniforms; (2) efforts have been made towards expanding the Basic Education Assistance Module (BEAM: which provides assistance to vulnerable children to enable them to go to school and to ensure their attendance and retention in schools) through the utilization of a non-limiting budget, which allows for the expansion of children benefiting from the programme; (3) BEAM is assisting a growing number of children (1.3 million children in 2021 and 1.8 million in 2022); and (4) regular monitoring of BEAM is undertaken, at all levels including national and community levels, to ensure that policy guidelines are followed as well as to identify any gaps that should be rectified to enhance programming efforts for the children benefiting from the programme.

The Committee further notes, from the 2023 UNICEF Country Office Annual Report, that: (1) as the education sector recovers from the impact of COVID-19, the net enrolment for primary education increased from 83.51 per cent to 88.33 per cent; (2) the transition rate from grade 7 (last year of primary school) to Form 1 (first year of secondary) increased from 81.46 to 85 per cent between 2021 and 2022, and the gender parity index was 1.01; (3) the survival rate in lower and upper secondary was at 84 per cent, above the 53 per cent target; and (4) the proportion of children out-of-school in primary and lower secondary schools, at 10 and 17 per cent, respectively, remains a concern. The Committee also notes the 2023 UNICEF Zimbabwe Annual Report, which highlights that UNICEF's provision of learning materials contributed to grade 7 pass rate of 39.83 per cent in 2022, with girls (43.42 per cent) performing better than boys (35.92 per cent).

The Committee takes due note of the measures taken by the Government to increase school attendance and completion rates, with the result that the number of out-of-school children decreased at the lower secondary level (23.6 per cent in 2019 to 17 per cent in 2022). However, it notes with ***concern***: (1) an increase in the rate of out-of-school children at the primary level: 4.7 per cent in 2019 to

10 per cent in 2022; and (2) the low pass rate from primary to secondary school (39.83 per cent). The Committee recalls that education is key in preventing the engagement of children in the worst forms of child labour. ***It therefore urges the Government to take all necessary measures to strengthen its efforts to ensure effective access to free basic education to all children, particularly children from poor and disadvantaged families, including through the BEAM project, the School Feeding Programme or otherwise. It requests the Government to continue to provide information on: (i) the concrete measures taken in this regard, particularly with respect to addressing the financial barriers to education, with a view to increasing school attendance rates and reducing drop-out rates; and (ii) the results achieved, including by providing updated statistical data on the attendance, survival and drop-out rates and the number of out-of-school children.***

Clauses (a) and (b). Preventing children from engaging in and removing them from the worst forms of child labour and ensuring their rehabilitation and social integration. Children engaged in hazardous work on tobacco farms. The Committee notes the Government's indication that: (1) it is in the process of developing the fourth National Action Plan for Orphans and Vulnerable Children (NAP-OVC IV), with a pillar on child labour, which intends to provide for time-bound measures to remove children from hazardous work and provide for their rehabilitation and reintegration, through the case management system; (2) a Technical Working Group in the Tobacco Sector has been established, to share information, challenges and offer solutions to issues related to child labour in the tobacco sector; and (3) an Agricultural Labour Practices Code for the Tobacco Sector 2023–2024 was developed and disseminated to all stakeholders. Its intention is to promote zero tolerance of all forms of child labour on tobacco farms, in auction floors and factories.

The Committee further takes note of the 2019 Report on the Survey on Child Labour in the Tobacco Sector, provided by the Government. From this Report, the Committee notes that: (1) 26.3 per cent of the surveyed children aged 5–15 years were involved in tobacco operations in the last seven days; (2) the largest proportion of these children (65.7 per cent) are not paid; (3) most of these children (46.5 per cent) were involved in tobacco operations following instructions from their parents or guardian, while 20.3 per cent were doing so to support or supplement household income; (4) only 8.4 per cent of all children working on tobacco operations were provided with protective clothing; and (5) most children below 15 years participated in the spraying of tobacco. In light of this information, the Committee notes with ***concern*** that children continue to be engaged in child labour in tobacco operations, including hazardous work. Moreover, it notes that the Government does not provide information on the measures taken, and results achieved, to remove children from hazardous work on tobacco farms and provide them with the necessary direct assistance. ***The Committee therefore once again urges the Government to: (i) take the necessary measures to ensure that children under 18 years of age are not engaged in hazardous work on tobacco farms; and (ii) take effective and time-bound measures to remove them from such work and to provide for their rehabilitation and reintegration, including within the framework of the NAP-OVC IV. In this regard, the Committee once again requests the Government to provide information on: (i) the measures taken in this regard; and (ii) the results achieved, including the number of children removed from this worst form of child labour and the type of direct assistance provided to them. It further requests the Government to provide information on the activities of the Technical Working Group in the Tobacco Sector to prevent children from engaging in hazardous work on tobacco farms.***

Children engaged in hazardous work in the mining sector. The Committee takes note of the Government's information that: (1) an awareness-raising workshop was conducted in December 2021 in Kadoma with Small scale miners associations, to raise awareness of child labour in the mines; and (2) the Government is in the process of establishing a National Steering Committee (NSC) on Child Labour, which will be a multi-stakeholder committee in which the Ministry of Mines and Mining Development and associations responsible for the mining sector and activities will be members. One of the key objectives of the NSC will be to set out clear time bound measures to prevent the engagement

of children in hazardous tasks within key economic sectors. The Committee recalls the Zimbabwe Congress of Trade Unions' (ZCTU) previous observations that hazardous child labour was high in the mining sector and that 67 per cent of children working in this sector use chemicals (including mercury, cyanide and explosives) while approximately 24 per cent of these children work for more than nine hours a day. It therefore notes with ***regret*** the absence of information provided on any concrete measures taken to remove children from these worst forms of child labour. ***The Committee therefore once again urges the Government to take effective and time bound measures to prevent the engagement of children in hazardous work in the mining sector, and to provide for their removal and subsequent rehabilitation and social integration. In this regard, it once again requests the Government to provide information on the measures taken and the results achieved, including in terms of the number of children removed from illegal mining activities by the Ministry of Mines and Mining Development and provided assistance for rehabilitation and reintegration. The Committee also requests the Government to continue to provide information on: (i) any awareness-raising activities undertaken in this regard; and (ii) the establishment of the National Steering Committee on Child Labour as well as on its activities to prevent and remove children from hazardous work in the mining sector.***

Clause (d). Identify and reach out to children at special risk. Orphans of HIV/AIDS and other vulnerable children (OVC). The Committee notes the Government's indication that: (1) it is providing specialized services through HIV-sensitive Case Management and Disability-sensitive Case Management within the National Case Management System, which addresses the needs of orphans and vulnerable children. These specialized services ensure that all children in vulnerable situations receive specialized care and services whilst ensuring that no child or family is left behind; and (2) the new NAP-OVC IV will provide for measures to strengthen BEAM and the National Case Management System to better assist orphans and vulnerable children, including to strengthen the reciprocal referral mechanism existing between the Labour Administration and Social Services to identify and assist children at special risk.

The Committee further notes, that according to the 2022 UNAIDS estimates, the average number of children aged 0 to 17 that are orphaned due to HIV/AIDS is 490,000, indicating a negligeable reduction from the 2019 estimates (500,000). The Committee recalls that child orphans of HIV/AIDS and other vulnerable children are at an increased risk of becoming victim to the worst forms of child labour. ***It therefore requests the Government to pursue its efforts to prevent the engagement of orphans and other vulnerable children in the worst forms of child labour, including through the NAP-OVC IV, the BEAM project and the National Case Management System. It requests the Government to continue to provide information on the measures taken and the results achieved in this regard.***

The Committee is raising other points in a request addressed directly to the Government.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 10** *United Kingdom of Great Britain and Northern Ireland (British Virgin Islands);* **Convention No. 59** *United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Yemen;* **Convention No. 77** *France, Türkiye;* **Convention No. 78** *France;* **Convention No. 124** *Finland, Jordan, Viet Nam;* **Convention No. 138** *Afghanistan, Belgium, Brunei Darussalam, Burkina Faso, Burundi, Chad, China, Comoros, Costa Rica, Cuba, Denmark (Greenland), Djibouti, Dominican Republic, Equatorial Guinea, Fiji, Finland, France, Gambia, Libya, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Saudi Arabia, Slovakia, South Sudan, Suriname, Thailand, Türkiye, Uganda, United Republic of Tanzania, Viet Nam, Yemen;* **Convention No. 182** *Afghanistan, Albania, Algeria, Barbados, Belgium, Belize, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chad, China, Colombia, Comoros, Cook Islands, Costa Rica, Croatia, Cuba, Côte d'Ivoire, Democratic Republic of the Congo, Denmark (Greenland), Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Iraq, Libya, Montenegro, Netherlands (Caribbean Part of the Netherlands), Oman, Papua New Guinea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Serbia, Seychelles, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkmenistan, Türkiye, United Arab Emirates, United*

Kingdom of Great Britain and Northern Ireland (Guernsey), United Kingdom of Great Britain and Northern Ireland (Isle of Man), United Republic of Tanzania, United States of America, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zimbabwe.

Equality of opportunity and treatment

Afghanistan

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1969)

The Committee notes that, following the conclusions of the International Labour Conference Committee on the Application Standards adopted in June 2023, and its observation on the application of the convention published in 2024, no report has been received to reply in full to the comments of the ILO Supervisory bodies as requested, despite the Government indicating that it would be submitted in 2024.

The Committee notes with ***deep concern*** the serious situation of violation of human rights and fundamental freedoms of women and girls in the country, as reflected in the reports of several United Nations (UN) bodies.

The Committee observes that the latest reports of the UN Special Rapporteur on the situation of human rights in Afghanistan point to an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls, and warn that "the level of discrimination against women and girls gives rise to critical concern", and that the situation of women and girls continued to deteriorate, with them being "erased from public life" (A/HRC/55/80, 29 February 2024, paragraphs 30 and 110; and A/HRC/56/25, 13 May 2024, paragraphs 21 and 69). The Committee also particularly notes that the UN Special Rapporteur stressed that "conditions placed on women's employment are designed to decimate women's financial autonomy and independence" and that "numbers of employed women have fallen dramatically". It also noted that "the transgenerational impact of the systematic exclusion of women and girls from education will be immense and enduring. With each generation, there will be fewer women with educational backgrounds enabling them to take up roles outside the home" (A/HRC/56/25, paragraphs 26 and 28).

Furthermore, as observed by the UN Committee on the Elimination of Discrimination against Women (CEDAW), "from September 2021 to January 2024, dozens of edicts, decrees, declarations and directives have been passed, restricting women's human rights, segregating and oppressing women and girls based on misogynistic attitudes, practices and policies, and marginalizing and excluding them from society" (statement of 15 February 2024). The CEDAW also observed the "appalling levels of gender-based violence against women" and expressed alarm at the ban on women's education, which "will perpetuate women's disempowerment [...] with grave consequences for future generations" (statement of 15 February 2024).

In addition, the Committee notes that, in its report to the General Assembly, the UN Secretary-General informed that the de facto authorities announced in June 2024 a significant reduction of the salaries of women civil servants "who do not attend work daily or do not perform their duties according to their job description" and that, between July and August 2024, the de facto authorities had ordered women civil servants to stay at home, with some exceptions for women working in the health, education and security sectors (A/79/341-S/2024/664, 9 September 2024, paragraph 32).

In this context, the Committee notes the information on the adoption, in August 2024, of the Law on the Promotion of Virtue and the Prevention of Vice, according to which women are required to wear clothes that completely cover their bodies, including their faces, are banned from using public transport unless they are accompanied by a male relative and are prohibited from speaking loudly in public (A/79/341-S/2024/664, paragraph 34). The Committee notes that serious concerns regarding this law were expressed by the UN High Commissioner for Human Rights (statement of 9 September 2024) and his spokesperson (statement of 27 August 2024), as well as by the UN Under-Secretary-General and

UN Women Executive Director (speech to the UN Security Council of 18 September 2024), who qualified such law as rendering life for women "truly incomprehensible", isolating them not only from men but from other women too, making many men de facto enforcers of the law, and destroying social trust and cohesion. The Committee further notes that the Human Rights Council considered that this law institutionalizes a system of discrimination and oppression against women and girls, that may amount to crimes against humanity, and that, in light of the situation in the country, decided to extend the mandate of the UN Special Rapporteur (A/HRC/RES/57/3, 14 October 2024, paragraphs 6 and 22). The Committee also observes that the UN Secretary General urged the de facto authorities to remove all discriminatory restrictions against women and girls, including by allowing women to return to work and by reopening schools for girls above the 6th grade (A/79/341-S/2024/664, paragraphs 68–69).

In view of the above, the Committee ***deeply deplores*** the adoption of the Law on the Promotion of Virtue and the Prevention of Vice. The Committee notes that this law imposes gender-specific discriminatory measures, effectively excluding Afghan women and girls from public life and nullifying their rights to employment and occupation, thereby exacerbating the existing restrictions and discrimination they face. It stresses that the adoption of discriminatory laws and policies are in flagrant contravention of the Convention. The Committee further recalls that there cannot be full equality at work in a broader context of existing and ongoing inequality, and that all ILO standards are, in practice, instrumental to achieving gender equality at work (see the 2023 General Survey on achieving gender equality at work, paragraphs 5 and 860). In this regard, the Committee is bound to warn that the current measures are highly likely to impact negatively on the effective application of the Convention, as well as all the other ILO Conventions ratified by the country. The Committee also notes with ***regret*** that women were not allowed to participate in the 2024 National Labour Conference organized by the de facto Ministry of Labour and Social Affairs.

The Committee would like to recall the statement made by the UN Under-Secretary-General and UN Women Executive Director (speech to the UN Security Council of 18 September 2024), that the situation of women and girls in the country may appear intractable and hopeless, but it is not, and that the international community is not helpless in this regard.

In these circumstances, the Committee notes with ***deep regret*** that the requested report was not received and firmly hopes that a report will be submitted with full information on the matters raised in its previous comments, which read as follows:

The Committee notes the observations of the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE) received on 1 September 2023.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, June 2023)

The Committee notes the discussion that took place in the Committee on the Application of Standards (CAS) of the International Labour Conference in June 2023 concerning the application of the Convention as well as the following conclusions of the Conference Committee.

The CAS noted with deep concern the repeated failure of the Government to respond to the Committee's comments since 2019.

The CAS expressed its very deep concern at the significant deterioration of the situation of women and girls, including the situation of vulnerable groups of women, and other minorities since 2021.

The CAS deeply deplored the discriminatory prohibitions, bans and restrictions based on sex imposed on girls and women since 2021, which adversely impact on their ability to enjoy fundamental human rights and freedoms. The CAS also deplored the lack of legal framework explicitly defining and prohibiting direct and indirect discrimination based on at least all the grounds set out in the Convention, in all aspects of employment and occupation, as well as the lack of access to non-discriminatory formal justice mechanisms and effective remedies, in line with the Convention.

Taking into account the discussion, the CAS urged that, in consultation with the social partners, effective and time-bound measures be taken to:

- remove without delay all bans, discriminatory practices and unequal treatment based on sex imposed on girls and women to prohibit, limit or impede their access to secondary and higher education, vocational training, employment and all types of occupations in all sectors, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved;
- put in place the necessary laws, policies and implementation strategy to prevent and address violence and harassment against girls and women, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved;
- amend section 9 of the Labour law in order to explicitly define and prohibit in law direct and indirect discrimination in line with the Convention;
- ensure access to non-discriminatory formal judicial mechanisms and effective remedies;
- organize activities and implement a campaign to raise public awareness of the principles of non-discrimination and equality protected under the Convention;
- provide information on the adoption of all the above-mentioned measures on any progress made in that regard, as well as the results achieved on the equal participation of women in employment and occupation, including by providing statistical information, disaggregated by sex and occupation, on the participation of girls and women in education, vocational training and employment;
- develop a multidisciplinary and multi-sectoral action plan to combat discrimination in employment, occupation and education, with ILO technical assistance and in close cooperation with the social partners and other relevant civil society organizations. In addition, coordinate with other UN agencies operating in the territory.

The CAS also called for specific action to be taken in order to facilitate access to education and vocational training and promote employment opportunities of persons with disabilities, in particular girls and women.

The CAS decided to include its conclusions in a special paragraph of its report.

The Committee notes that the ITUC notes with great concern the structural discrimination suffered by women in Afghanistan, that blatantly hinders their access to education, training and employment. According to the ITUC, this situation follows a phase, prior to the takeover by the Taliban in 2021, during which some improvements were recorded towards democratization and promotion of the status of women. The organization adds that, prior to 2021, under the previous administration: (1) 64 women were elected to parliament and 17 to the Senate; (2) four women were nominated in the cabinet; (3) there were four women ambassadors in embassies and 261 women judges in the courts and judiciary; (4) 1,500 women were working as defense lawyers, 2,500 women as journalists in private free media, and 3,650 women in the security forces; (5) 3.5 million girls were engaged in education; and (6) thousands of women were working in the private sector, who altogether constituted 30 per cent of the labour force in the Afghan labour market.

The Committee further notes the ITUC's indication that, since 2021, the course of the progress made by the country was reversed and women and girls have been silenced and excluded from the public sphere. Since September 2021, Afghan girls over the age of twelve have been banned from going to school. Currently, 80 per cent of Afghan girls and young women who are eligible for school numbering about 2.5 million have been thrown out of school. Some 30 per cent of girls in Afghanistan do not have primary education, and even when girls are allowed to go to school, teaching is limited due to the lack of female teachers. In December 2022, university education for women was suspended until further notice, affecting more than 100,000 female students. Women are no longer allowed to work, including in the civil service. They are prohibited from traveling within and outside the country. The Afghanistan Labour Code, the Elimination of Violence Against Women Law, the Regulation of Women's Protection Centres and the Child Rights Protection Law which stipulated fundamental rights, equality of treatment and opportunities between men and women are no longer applicable. In 2021, the Ministry of Women's Affairs was closed and replaced by the Ministry of Prosperity and Prohibition. The Afghan Independent Human Rights Commission has been dissolved and twenty decrees have been announced by the Taliban to impose its religious beliefs, as well as its way of life, attire, and ethics based on its interpretation of Sharia Law. Specialized courts for the elimination of violence against women and public prosecutors' offices have been closed, depriving women

of access to justice. The economic crisis has worsened the situation of women, minors and other vulnerable groups in the country. Since 2021, 97 per cent of the population has been living below the poverty line. Forced marriages including of minors, as well as child labour of boys and girls engaging in hazardous works have increased.

The ITUC also alleges that the Lesbian, Gay, Bisexual, Trans, Queer, Intersex plus (LGBTQI+) community in the country continue to face grave human rights violations perpetrated by the Taliban, including threats, targeted attacks, sexual assaults, arbitrary detentions, and other violations. Many members of this community remain fearful that such discriminatory practices by the Taliban will continue to escalate, including the use of the death penalty against those in same sex relations and who therefore remain in hiding, fearing for their lives.

Under the subtitle "discrimination based on political opinion", the ITUC also indicates that: (1) journalists faced growing restrictions including arbitrary arrest, unlawful detentions, and torture in response to reporting that criticized the Taliban, leading many to self-censorship; (2) some were beaten and faced other forms of torture while detained; (3) many fled the country; and (4) women television reporters were forced to almost cover their faces completely. The space for civil society organizations to document and report on human rights shrank significantly and independent human rights groups were unable to work freely. According to the ITUC, the Taliban have dismantled any space for peaceful assembly, demonstration or gathering. Taliban police use excessive and unnecessary force against demonstrators, and peaceful protesters are arbitrary arrested, detained, tortured and forcibly disappeared. Detained protesters face physical and psychological torture.

The leaders of the trade union centre, NUAWE, have been forcibly displaced and live outside Afghanistan. It is impossible for NUAWE and their members to operate or pursue normal activities to redress gender-based violations. The Supreme Labour Council and the commission for disputes resolution at work have ceased to function. Social dialogue is non-existent.

The ITUC also highlighted the comments of the Committee of Experts, namely the inadequate definition of the concept of discrimination in Afghan law and the lack of mechanisms for access to formal justice and urged that immediate action be taken to give effect to the conclusions adopted by the CAS in June 2023. The Committee ***deeply deplores*** the current situation faced by women and girls in the country depriving them of education and employment opportunities. ***The Committee urges the de facto authorities to address this unacceptable situation and to respond without delay to the conclusions of the Conference Committee on the Application of Standards as well as to the observations from the ITUC.***

The Committee notes that, in its communication, the IOE reiterates the opening and closing statements of the Employer members as well as the statement of the Employer member of France during the discussion that took place in the CAS in June 2023 as well as the conclusions adopted thy the CAS which are reproduced above. It further notes the IOE's request to take duly into account all the information provided when examining the application in law and practice of the Convention.

The Committee further notes that the IOE expressed the hope that progress will be made in the application of the Convention, in line with the conclusions of the CAS and in close consultations with the most representative employers' organization in Afghanistan. ***The Committee requests the de facto authorities to provide their comments in this respect.***

The Committee notes the report of the Office of the High Commissioner for Human Rights on the situation of human rights in Afghanistan, which concludes that: (1) Afghan women and girls have been restricted from participation in most areas of public and daily life by the introduction of progressively more severe and discriminatory edicts, policies and other pronouncements; (2) these measures deny the rights of women and girls to access education, to work and to freedom of movement and impact access to health and other essential services; (3) in addition to the restrictions imposed by the policies themselves, their implementation has involved further violations of human rights; (4) The exclusion of women lawyers and judges from the legal system, along with the abolition of specialized Elimination of Violence Against Women prosecution units and courts, affects the rights of women and girls to obtain legal representation, equality before the law and access to justice; and (5) over two years on from their takeover of the country, there has been systematic regression of the rule of law and human rights in Afghanistan, particularly with regard to the rights of women and girls (A/HRC/54/21, 11 September 2023, paragraphs 32, 67, 69 and 74).

It also notes the recommendations of the High Commissioner to the de facto authorities to: (1) promptly rescind discriminatory edicts and decrees which curtail women and girls' human rights and fundamental freedoms, enable their access to secondary and tertiary education and work, respect their freedom of movement and cease interference with other aspects of their daily lives; (2) in view of review of applicable laws being undertaken, ensure that all legislation applicable in Afghanistan is in line with international human rights law; (3) ensure access to justice and right to a remedy for survivors of gender-based violence through the formal justice system; and (4) promote and protect fundamental freedoms by replacing restrictive policies with human rights compliant ones (A/HRC/54/21, paragraph 75).

The Committee notes that, in a communication dated 27 August 2023, the de facto authorities indicated their commitment to the application of ILO Conventions and its reporting obligations. They also pointed out that the conclusions of the CAS were examined and, as per the decree of the Emir, a report under the Convention would not be submitted in 2023 due to insufficient time to reply but rather in 2024.

In these circumstances, the Committee notes with ***regret*** that the requested report was not received and firmly hopes that the announced report for 2024 will contain full information on the matters raised in its previous comments, which read as follows:

Articles 1(1)(a), 2 and 3 of the Convention. Discrimination based on sex. Restrictions on women's access to education, vocational training and employment. The Committee notes that since August 2021, high-level United Nations (UN) bodies have expressed deepest concern regarding the increasing deterioration of human rights and fundamental freedoms of women and girls in the country (UN Special Rapporteur on the situation of human rights in Afghanistan, Statement, Urgent Debate on the situation of women and girls in Afghanistan, 1 July 2022; UN Security Council, Statement on the situation in Afghanistan, 24 May 2022; and High Commissioner for Human Rights, A/HRC/49/24, 4 March 2022). According to these bodies, as a result of the policies and practices adopted, severe restrictions have been imposed on women's and girls' freedom of movement, access to education, vocational training and employment. The Committee notes, more particularly, that: (1) since August 2021, women have been excluded from the workforce. They are also absent from the public administration, where all members are men; (2) since September 2021, women and girls have been denied access to secondary and higher education. Even where girls have been allowed to attend schools, instruction has been restricted due to the absence of women teachers; (3) the Ministry of Women's Affairs and the Afghanistan Independent Human Rights Commission have been disbanded; and (4) specialized courts addressing the elimination of violence against women and prosecution offices have also been closed, thus leaving women without access to justice. The Committee notes that, in its resolution 50/14 on the situation of human rights of women and girls in Afghanistan, adopted on 8 July 2022, the Human Rights Council specifically: (1) condemned in the strongest possible terms all human rights violations and abuses committed against all individuals, including women and girls, in Afghanistan, including all forms of discrimination and violence, including sexual and gender-based violence; (2) called upon the Taliban in particular to reverse the policies and practices that currently restrict the human rights and fundamental freedoms of Afghan women and girls, to ensure that women and girls have opportunities and access to inclusive and quality education at all levels, equal to those afforded to men and boys, and to immediately open schools for girls of all ages; and (3) called for measures to ensure that victims of sexual and gender-based violence have access to justice and to effective remedies and reparations (Human Rights Council resolution 50/14, A/HRC/RES/50/14, 14 July 2022). Furthermore, the Committee notes from the recent report of the Special Rapporteur on the situation of human rights in Afghanistan that: (1) "the restrictions on Afghan women are disproportionately affecting their ability to sustain themselves, thereby further diminishing their enjoyment of other basic rights"; (2) "in early 2021, about 17,369 women-owned businesses were creating over 129,000 jobs, over three-quarters held by women, and many more unregistered women-owned businesses operated in the informal economy [and] by March 2022, 61 per cent of women had lost their job or income generating activities …"; (3) "in the informal sector, women can no longer take products to market due to movement restrictions and the closure of many women's markets"; (4) "women who continue to work often face harassment and abuse"; (5) "women have been excluded from the de facto justice system"; and (6) "female civil servants, except those doing jobs in health, security and education which cannot be carried out by men, were directed to stay home until conditions enable them to return to work in accordance with Sharia, although their

male counterparts were called back" (A/HRC/51/6, 9 September 2022, paragraphs 38 and 39). The Committee strongly deplores the discriminatory prohibitions, bans and restrictions based on sex imposed on girls and women, in particular regarding their access to, and remaining in, education, vocational training and employment, both in the public and private sectors, and on their enjoyment of other human rights and fundamental freedoms, as well as their exposure to sexual and gender-based violence. ***The Committee therefore strongly urges that all steps be taken to: (i) remove without delay all bans, discriminatory practices and unequal treatment based on sex imposed on girls and women to prohibit, limit or impede their access to secondary and higher education, vocational training, employment and all types of occupations in all sectors; and (ii) prevent and address violence and harassment against girls and women. The Committee asks for information on the measures taken to that end and the results achieved on the equal participation of women in employment and occupation, including by providing statistical information, disaggregated by sex and occupation, on the participation of girls and women in education, vocational training and employment in both the public and private sectors.***

Articles 1, 2 and 3. Protection against discrimination. Legislation. The Committee notes that, in its 2020 report to the UN Committee on the Elimination of Racial Discrimination (CERD), the Government indicated that a draft Anti-Discrimination Law had been developed, which defines direct and indirect discrimination and prohibits discrimination in employment and occupation (CERD/C/AFG/2-16, 27 July 2020, paragraphs 28 and 47). ***Recalling that the prohibition of discrimination in section 9 of the Labour Law is formulated in very broad terms, the Committee asks that all necessary measures be taken to explicitly define and prohibit in law direct and indirect discrimination based on at least all of the grounds listed in Article 1(1)(a) of the Convention (namely, race, colour, sex, religion, political opinion, national extraction and social origin), as well as any other grounds determined in consultation with employers' and workers' organizations, in accordance with Article 1(1)(b), covering all aspects of employment and occupation, both in the private and public sectors. The Committee asks for information on any progress made in that regard.***

Article 1(1)(b). Discrimination against persons with disabilities, in particular women and girls. The Committee recalls that, while section 15 of the Law of Rights and Benefits of Persons with Disabilities provides for equal rights for persons with disabilities in terms of social, economic and educational participation, in practice, persons with disabilities had very low education and employment levels. The Committee notes that, in its resolution 50/14 on the situation of human rights of women in Afghanistan, the Human Rights Council expressed deep concern at the situation currently faced by girls and women with disabilities who are often subject to multiple, aggravated or intersecting forms of discrimination and disadvantages (A/HRC/RES/50/14, 14 July 2022). ***The Committee calls once again for specific actions to be taken in order to facilitate access to education and vocational training and promote employment opportunities of persons with disabilities, in particular girls and women, both in the private and public sectors.***

Monitoring and enforcement. The Committee notes that, in her March 2022 report on the situation of human rights in Afghanistan, the UN High Commissioner for Human Rights expressed specific concerns about the fact that, "since August 2021, the previously operating legal and justice systems became dysfunctional, with little clarity as to applicable laws and the side-lining of justice sector personnel. Since then, the de facto authorities have gradually sought to resume the functioning of a country-wide justice system and courts under Islamic law with numerous appointments at the de facto ministry of justice" and de facto courts and initiated "an ongoing review of formal law's asserted compliance with both Islamic Law and with the objectives and policies of the new de facto administration. In the meantime, de facto authorities continued administering justice in lieu of the former judiciary in a decentralized manner in consultation with religious scholars, elders, and local communities" (A/HRC/49/24, 4 March 2022, paragraph 60). The Committee wishes to recall that Afghanistan has a binding legal obligation to uphold the fundamental human rights and freedoms guaranteed in customary international law and human rights treaties that the country is signatory to, including the Convention which it has ratified. ***The Committee therefore urges that all steps be taken to ensure access to non-discriminatory formal justice mechanisms and effective remedies and to organize activities to raise public awareness of the principles of non-discrimination and equality.***

In light of the situation described above, the Committee notes with deep concern the failure of the Government, since 2019, to respond to its comment on the application of the Convention. The Committee also expresses its deep concern at the serious situation of violation of human rights and fundamental freedoms of women and girls in the country. It deeply deplores that discrimination, segregation, disrespect for human dignity, gender-based violence and exclusion of women and girls from public life have become an institutionalized system (as exemplified by the 2024 Law on the Promotion of Virtue and the Prevention of Vice), the impact of which will be extremely grave and long-lasting. The Committee also deplores the fact that this situation: (i) impairs the enjoyment by women and girls of their human rights and their access to, and retention in, education at all levels, vocational training and employment in all the sectors of the economy; and (ii) increases their exposure to sexual and gender-based violence. Furthermore, it notes with deep concern: (i) the lack of legal framework explicitly defining and prohibiting direct and indirect discrimination based on at least all the grounds set out in the Convention, in all aspects of employment and occupation; and (ii) the lack of access to non-discriminatory formal justice mechanisms and effective remedies. The Committee considers that this case meets the criteria set out in paragraph 90 of its General Report to be submitted to the Conference.

[The Government is asked to supply full particulars to the Conference at its 113th Session and to reply in full to the present comments in 2025.]

Antigua and Barbuda

Equal Remuneration Convention, 1951 (No. 100) (ratification: 2003)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 1(a) and (b) of the Convention. Work of equal value. The Committee previously noted that section E8(1) of the Labour Code of 1975 did not give full legislative expression to the principle of the Convention. Noting that the National Labour Board had reviewed the Labour Code and that a report had been submitted to the relevant authority for action, it requested the Government to report on the progress made in this regard. In its report, the Government indicates that it is envisaged that the revised text of the Labour Code will set out the principle of equal remuneration for men and women for work of equal value, which should not only provide for equal remuneration for men and women working in the same occupations, but also for equal remuneration for work carried out by men and women that is different in nature but of equal value. Upon revision by the National Labour Board, the upgraded text of the Labour Code will be subject to amendment after the process of public consultation is completed. The Government adds that the National Labour Board will ensure that the Labour Code does not contravene this Convention. ***The Committee requests the Government to provide information on the progress made towards the amendment of the Labour Code to give full legislative expression to the principle of the Convention and, in the meantime, on any measures taken or agreements and policies adopted providing for equal remuneration for men and women for work of equal value.***

Remuneration. In its previous comments, the Committee noted the use and definitions of the terms "wages", "gross wages", "remuneration" and "conditions of work" in sections A5, C3, C4(1) and E8(1) of the Labour Code. It noted that, while the definition of "gross wages" appeared to be in accordance with the definition of remuneration set out in *Article 1(a)* of the Convention, it remained unclear whether section C4(1) prohibiting sex discrimination with respect to wages covered the gross wage. It noted the Government's indication that the terms "wages", "gross wages" and "remuneration" were used interchangeably in practice, but emphasized that these various terms were often understood to have distinct meanings, thus potentially giving rise to confusion. Noting the ongoing review of the Labour Code, the Committee requested the Government to ensure that the revised text would harmonize the provisions of the Labour Code relevant to

wages and remuneration, and include a clear definition of "remuneration" in accordance with *Article 1(a)* of the Convention. The Committee notes the Government's indication that the National Labour Board will consider a definition for the term "remuneration" (as opposed to the interchangeable use of the terms "wages" and "gross wages"), which will cover not only the ordinary, basic or minimum wage or salary, but also any additional emoluments payable directly or indirectly, whether in cash or kind, by the employer, in accordance with *Article 1(a)* of the Convention. This will ensure that there is no potential for confusion. ***The Committee requests the Government to provide information on the progress made in the amendment of the Labour Code in order to include a clear definition of remuneration in accordance with Article 1(a) of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1983)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 1(1)(a) of the Convention. Grounds of discrimination – National extraction and social origin. For a number of years, the Committee has been noting the absence of an explicit prohibition of discrimination on the basis of national extraction and social origin in the national Constitution and the Labour Code. The Committee has been asking the Government to ensure that workers are protected in law and in practice against direct and indirect discrimination on the basis of national extraction and social origin, in all aspects of employment and occupation, and to monitor emerging forms of discrimination that may result in or lead to discrimination in employment and occupation on the basis of these grounds, and to report in detail on the progress made. The Government indicates in its report that the process of revising the Labour Code is still ongoing and the National Labour Board is currently considering provisions aimed at defining and prohibiting direct and indirect discrimination, as well as including all grounds of discrimination, namely race, colour, sex, religion, political opinion, national extraction and social origin. The Government adds that, once finalized, these proposals will be made available for public consultation. ***The Committee firmly hopes that the amendments to the Labour Code will be adopted in the near future and will include specific provisions ensuring and promoting the protection of workers against direct and indirect discrimination in all aspects of employment and occupation, and with respect to all the grounds of discrimination set out in Article 1(1)(a) of the Convention.***

Article 2. General observation of 2018. Regarding the above issues and more generally, the Committee would like to draw the Government's attention to its general observation on discrimination based on race, colour and national extraction adopted in 2018. In the general observation, the Committee notes with concern that discriminatory attitudes and stereotypes based on the race, colour or national extraction of men and women workers continue to hinder their participation in education, vocational training programmes and access to a wider range of employment opportunities, resulting in persisting occupational segregation and differences in remuneration for work of equal value. Furthermore, the Committee considers that it is necessary to adopt a comprehensive and coordinated approach to tackling the obstacles and barriers faced by persons in employment and occupation because of their race, colour or national extraction, and to promote equality of opportunity and treatment for all. Such an approach should include the adoption of interlocking measures aimed at addressing gaps in education, training and skills, providing unbiased vocational guidance, recognizing and validating the qualifications obtained abroad, and valuing and recognizing traditional knowledge and skills that may be relevant both to accessing and advancing in employment and to engaging in an occupation. The Committee also recalls that, in order to be effective, these measures must include concrete steps, such as laws, policies, programmes, mechanisms and participatory processes, and remedies designed to address prejudices and stereotypes and to promote mutual understanding and tolerance among all sections of the population. ***The Committee draws the***

Government's attention to its general observation of 2018 and requests the Government to provide information in response to the questions raised in that observation.

Equality for men and women. Access to education, vocational training and employment. In its previous comments, the Committee urged the Government to take concrete steps to collect, analyse and provide statistical information, disaggregated by sex, on the participation of men and women in education and the various vocational training courses offered, as well as statistics on the number of men and women who have filled vacancies following such training, including for jobs traditionally held by the other sex. The Committee also urged the Government to provide detailed information on recent initiatives to promote women's participation in courses and jobs traditionally held by men, including up-to-date information on the courses offered by the Gender Affairs Department and the Ministry of Education, as well as the Institute of Continuing Education. The Committee notes the Government's indication that a comparative analysis was done on the participation of men and women in various vocational training courses in institutions such as the Ministry of Education, the Antigua and Barbuda Institute of Continuing Education (ABICE), the Antigua State College (ASC), the Directorate of Gender Affairs, the Antigua and Barbuda Hospitality Training Institute (ABHTI), the Department of Youth Affairs (DYA) and the Gilbert Agricultural Rural Development (GARD) Centre. The Government states that statistics indicate that there is still a striking disparity in the participation of women in professions traditionally occupied by men. However, women are slowly participating to a greater extent in technical and skilled occupations. It is envisaged that the institutions mentioned above will endeavour to engage in strategic planning that will encourage more women to access training so as to enter technical professions which are traditionally occupied by male workers. Currently, most institutions are actively involved in open-day activities geared towards attracting persons to the programmes provided and in spending time in counselling persons to access the training that best suits them. However, the Government states that there is little initiative specifically designed to encourage women to participate in areas traditionally dominated by men. The Committee notes that in its 2019 concluding observations, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) recommended adopting effective measures to combat horizontal and vertical occupational segregation in both the public and private sectors, including through professional training and incentives for women to work in traditionally male-dominated fields of employment (CEDAW/C/ATG/CO/4-7, 14 March 2019, paragraphs 36(a) and 37(a)). ***The Committee asks the Government to provide statistics, disaggregated by sex, on the participation of men and women in education at all stages and the various vocational training courses offered, as well as on the number of men and women who have filled vacancies following such training, including for jobs traditionally held by the other sex. The Committee hopes that the Government will be in a position to provide information in its next report on the manner in which it promotes women's participation in courses and jobs traditionally held by men.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Burundi

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1993)

Previous comment

The Committee notes the observations of the Trade Union Confederation of Burundi (COSYBU), received on 29 August 2022 and 29 August 2023.

Article 1(a) of the Convention. Definition of remuneration. Legislation. Further to its previous comment, the Committee notes that, under the terms of section 4 of Act No. 1/11 of 24 November 2020 to revise Legislative Decree No. 1/037 of 7 July 1993 revising the Labour Code, remuneration is now defined as "earnings of all types, which may be valued in cash and determined by agreement or in accordance with the law, and which are payable, by virtue of a work contract, by an employer to a worker" and that, in accordance with section 181, "it is composed of the basic wage and any additional emoluments paid by the employer to the worker arising out of the workers' employment". ***The***

Committee requests the Government to indicate whether all the components of remuneration enumerated in Article 1(a) of the Convention, including benefits in kind payable directly or indirectly to the worker, are indeed included in the definition of the term "remuneration" contained in the Labour Code.

The Committee also notes that, according to the indications of the COSYBU, one category of workers (without further specification) has no longer been receiving since 2016 the seniority bonus that is now set out in section 182 of the Labour Code. In this regard, the Committee recalls that, within the meaning of the Convention, the term "remuneration" includes wage differentials or increments based on seniority (see the 2012 General Survey on the fundamental Conventions, paragraph 691). ***The Committee requests the Government to provide its comments on this subject.***

Finally, the Committee recalls that it noted previously that the designation of the husband as head of the household could have an adverse impact on the payment to women of employment-related benefits, such as family allowances. It notes that Act No. 1/12 of 12 May 2020 issuing the Social Protection Code in Burundi provides, in section 105, that "family allowances shall be paid to the beneficiary". The General Regulations governing public employees provide in section 82 that these allowances are payable to the "public employee", without therefore any specification of the sex. The Committee notes with ***interest*** this information which responds to its previous comment.

Article 1(b). Equal remuneration for work of equal value. *Legislation.* The Committee notes with ***satisfaction*** that section 184 of the new Labour Code provides that "workers performing the same work or work of equal value shall be entitled, without any discrimination, to equal remuneration". ***The Committee requests the Government to provide information on the application of this new Labour Code, including any guidance it issued, any complaints that arose under it, and any court proceeding settled or ongoing.***

Public service. The Committee notes that, in accordance with section 79 of Act No. 1/03 of 8 February 2023 amending Act No. 1/28 of 23 August 2006 issuing the General Regulations governing public employees, the remuneration of public employees "includes an indexed component, an employment component, family allowances and a performance component" and that, in accordance with section 25(1) of the Regulations, "a wage scale is attached to each step". It also notes that section 79 of the General Regulations governing public employees does not explicitly refer to the principle of equal remuneration for men and women for work of equal "value". ***The Committee requests the Government to: (i) indicate the measures taken to ensure that the determination of the remuneration of public employees is exempt from sexist prejudices or discrimination in practice; and (ii) ensure that full expression is given in the General Regulations governing public employees to the principle set out in the Convention, and to provide information on any measures taken to this effect.***

The Committee further notes that article 57 of the Constitution still provides that "with equal skills, all persons shall have the right, without any discrimination, to equal wages for equal work" and that the Government did not therefore take the opportunity of the revision of the Constitution in May 2018 to amend this provision in order to reflect the concept of "work of equal value". In this regard, the Committee refers to paragraphs 672 to 674 of its 2012 General Survey on the fundamental Conventions which explain the notion of work "of equal value" and to the Introductory Guide on Equal Pay, in particular its Part 4. ***The Committee therefore once again invites the Government to envisage the possibility of amending accordingly article 57 of the Constitution during a forthcoming constitutional revision.***

Occupational segregation and remuneration gaps between men and women. Statistics. Further to its previous comment, the Committee notes that, according to the Government's indications, there are no statistics on any potential inequality of treatment between men and women workers. In this regard, the Committee notes that the strategy for the implementation of the National Employment Policy 2018–22 confirmed the absence of reliable statistics, particularly on the mainstreaming of gender in employment

promotion programmes. The document also indicates that, in order to be able to perform its duties effectively, the Burundi Employment and Labour Office (OBEM) will need to establish a statistical database. The Committee recalls that one of the underlying factors behind the wage gap between women and men is generally occupational segregation (under which women are in a majority in certain jobs and occupations characterized by lower remuneration and occupational prospects) and that, in order to be able to determine the nature, extent and causes of any inequality of remuneration, it is essential to have available appropriate data, and particularly statistical data. ***The Committee therefore once again requests the Government to provide statistics on the distribution of men and women in the various sectors, including the public sector, and on the corresponding remuneration, as soon as such data is available. The Committee recalls that the Government may avail itself of ILO technical assistance for this purpose.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1993)

Previous comment

The Committee notes the observations of the Trade Union Confederation of Burundi (COSYBU), received on 29 August 2022 and 29 August 2023.

Article 1(1)(a) of the Convention. Prohibited grounds of discrimination. Further to its previous comment, the Committee notes with ***satisfaction*** the indications in the Government's report that, following the adoption on 24 November 2020 of Act No. 1/11 revising Legislative Decree No. 1/037 of 7 July 1993 issuing the revised Labour Code: (1) any direct or indirect distinction, exclusion or preference based on race, colour, religion, sex, political or religious opinion, and ethnic or social origin is prohibited in relation to recruitment, promotion, termination of employment, access to vocational training, access to employment and to the various occupations and terms and conditions of employment in general (section 14 of the Labour Code); (2) foreign workers or nationals of other Member States of the East African Community who are lawfully recruited enjoy the same rights as national workers and are subject to the Labour Code (section 55); and (3) dismissals on grounds of race, colour, religion, sex, political or religious opinion, or ethnic and social origin are abusive (section 156). However, the Committee notes with ***regret*** that, contrary to the Labour Code and despite its recent revision, the General Regulations governing public employees do not explicitly cover all of the seven prohibited grounds of discrimination set out in *Article1(1)(a)* of the Convention. Indeed, under the terms of section 20(1) of Act No. 1/03 of 8 February 2023 amending Act No. 1/28 of 23 August 2006 issuing the General Regulations governing public employees, the Regulations "guarantee for each public employee equality of opportunity and treatment throughout their career without any discrimination" and "are opposed to any distinction, exclusion or preference based on religion, gender, political opinion, trade union activity, social or ethnic origin", with the list not being exhaustive. In this regard, the Committee recalls that any discrimination – in law or in practice, direct or indirect – falls within the scope of the Convention and that, for the effective elimination of all forms of discrimination, it is necessary to address discrimination based on all of the grounds enumerated in the Convention (see the 2012 General Survey on the fundamental Conventions, paragraphs 743 and 850–855). ***The Committee therefore requests the Government to: (i) amend the General Regulations governing public employees in order to introduce a clear and full definition of direct and indirect discrimination which covers all stages of employment and as a minimum all the grounds of discrimination enumerated in Article 1(1)(a) of the Convention; and (ii) provide information on the measures adopted or envisaged for this purpose and the progress achieved. Furthermore, the Committee requests the Government to provide information on the application of the new Labour Code, including any guidance it issued, any complaints that arose under it, and any court proceeding settled or ongoing.***

Sexual harassment. Gender-based violence. Further to its previous comment, the Committee notes with ***satisfaction*** the Government's indications that section 22 of the Labour Code now defines sexual harassment not only as any form of pressure, even if not repeated, exerted with the real or apparent purpose of obtaining an act of a sexual nature (quid pro quo), but also as "words or conduct with a sexual connotation" affecting the dignity of the worker or the person engaged in training or an internship, "by reason of their degrading or humiliating nature, or which create an intimidating, hostile or offensive working environment for the recipient". However, the Committee notes that: (1) the definition of sexual harassment as set out in section 2(n) of Act No. 1/13 of 22 September 2016 on the prevention, protection of victims and repression of gender-based violence and section 586 of Act No. 1/27 of 29 December 2017 revising the Penal Code has not been amended to introduce the notion of an intimidating, hostile or humiliating working environment; and (2) the General Regulations governing public employees do not refer to the notion of sexual harassment. The Committee notes that, according to the Government's indications, awareness-raising sessions have been organized with a view to assessing the situation with regard to cases of harassment and abuse of authority in the workplace and that a policy and strategy to combat harassment and abuse of authority will soon be introduced. Moreover, the Committee notes from the Sectoral Education Plan 2022–30, prepared by the Ministry of National Education and Scientific Research (MENRS) that, with a view to achieving the objective of all children of six years of age being enrolled in the basic cycle (that is a block of nine years of education encompassing the former primary cycle and the three first years of the secondary cycle) and promoting their maintenance at school, one of the activities to be undertaken is action to combat violence and harassment on the way to school and at school, particularly in relation to girls. On this point, the Committee notes the Government's indications concerning: (1) the establishment of holistic support centres for victims of gender-based violence and an alarm system for cases of sexual violence; (2) the establishment of a budgetary line for action to combat violence against women; and (3) the search for financing for projects related to the plan of action of the National Gender Policy, such as the project on the promotion of gender and action to combat gender-based sexual violence. In this regard, the Committee welcomes the European Union Gender Action Plan III for Burundi covering the period 2021–25, which aims to accelerate progress in the empowerment of women and girls, including by guaranteeing the absence of any form of gender-based violence. Finally, the Committee notes the observations of the COSYBU according to which the memorandum of understanding that it has concluded with the Employers' Association of Burundi has been extended to cover gender, which has resulted in the establishment of a joint gender committee to combat discrimination in this field. ***The Committee requests the Government to: (i) specify the manner in which the provisions of section 22 of the Labour Code are articulated with those of section 586 of the Penal Code and section 2(n) of the 2016 Act on the prevention, protection of victims and repression of gender-based violence; (ii) include in the General Regulations governing public employees a clear definition and an explicit prohibition of sexual harassment in all its forms (quid pro quo and hostile working environment) and provide information on any progress achieved in this regard; and (iii) continue to provide information on any specific measures adopted to prevent and eliminate sexual harassment in the public and private sectors, such as awareness-raising campaigns. The Committee also requests the Government to provide information on any measures taken to: (i) implement the project to promote gender and combat gender-based sexual violence, and the policy and strategy to combat harassment and abuse of authority; and (ii) combat violence and harassment on the way to school and at school, and the results achieved in terms of the school enrolment of girls.***

Article 2. Equality of opportunity and treatment for men and women. The Committee welcomes the adoption of various measures, according to the indications provided by the Government in response to its previous comment, for the achievement of equality of opportunity for men and women, including the increase of the budget for the implementation of the National Gender Policy, the development of the National Programme to Strengthen the Economic Capacities of Women and the creation of the

Investment and Development Bank for Women (BIDF). The Government adds that, in parallel, it is seeking financing for the implementation of the project to support the socio-economic empowerment of women. The Committee notes that, while the report on Sustainable Development Goal (SDG) priorities for Burundi 2016–30 indicates that remarkable progress has been achieved in recent years, both in terms of the net primary school attendance rate and girl/boy parity, it emphasizes the persistent inequalities in relation to gender which have their origin in social and ideological perceptions that are not favourable to equality for men and women, the insufficient account taken of gender in sectoral programmes and the persistence of socio-cultural prejudices. The report adds that the many challenges that remain include the strengthening of the knowledge and skills of women, their access to resources and economic opportunities and the improvement of access to and equitable participation of women in management and decision-making bodies. In this regard, the Committee notes that, in view of the low participation rate of girls in technical and scientific subjects, the Sectoral Education Plan 2020–30 envisages, among other measures, the development of a mechanism to attract girls to these subjects and to facilitate their access to accommodation. It also envisages the promotion of training for girls in occupations in the primary and secondary sectors. As the authorities have also noted that unwanted pregnancies often result in adolescent girls leaving school, they have included a number of prevention measures in the Sectoral Education Plan, including a significant strengthening of action by the "zero pregnancy" unit established in the Ministry of National Education and Scientific Research. ***The Committee requests the Government to provide detailed information on: (i) any measures adopted or envisaged to facilitate the access of girls to technical and scientific subjects and their training for occupations in the primary and secondary sectors; (ii) the activities of the "zero pregnancy" unit to prevent unwanted pregnancies among adolescent girls; and (iii) the entry of women into the labour market, including the implementation of the National Programme to Strengthen the Economic Capacities of Women and the project to support the socio-economic empowerment of women, and the results achieved in this regard. Finally, noting that the vision of the Investment and Development Bank for Women for 2027 is to be a financial institution that enables women in Burundi to enjoy financial facilities and develop all their economic capacities, the Committee requests the Government to provide detailed information on any progress made in achieving this objective.***

Indigenous peoples. Further to its previous comment, the Committee notes the Government's indications that, while awaiting the implementation of forest management projects in association with Batwa peoples, the Council of Ministers will soon adopt a national integration strategy for them. The Committee notes that a Plan for Indigenous Peoples (Batwa) was adopted in August 2022 within the context of the Transport Resilience Project. As a result, the Batwa should potentially be the beneficiaries of the project as they can envisage obtaining work in the construction of the various types of infrastructure, but the implementation of the project could have direct negative effects on Batwa communities, including cases of school dropouts as a result of workers being hired. In light of the situation of extreme poverty of Batwa families, the Plan provides that Batwa children will benefit from support for school materials for around four years and their families will be provided with support for the development of a community solidarity mechanism to help them learn to save, take out credit and initiate sustainable income-generating activities. In view of the poverty level of Batwa women and girls and prevailing social attitudes and prejudices, they are particularly vulnerable and are already the victims of gender-based violence, exploitation, abuse and sexual harassment. In view of this situation, the Plan indicates that it is important to ensure that they are given special attention in recruitment and that they participate actively in complaints committees. The Committee also welcomes, as emphasized by the Independent National Human Rights Committee (CNIDH) emphasized in its report for 2023, the fact that the protection and promotion of the rights of the Batwa remains a concern of the Government and that certain measures have been adopted to help them, such as the decision not to require school and boarding fees for Batwa students in order to enable them to have access more easily to post-fundamental education. Finally, the Committee notes that the United Nations Human Rights Committee,

in its concluding observations, refers to reports that the Council of Ministers decided in February 2023 to suspend the adoption of a national strategy for the integration and socio-economic inclusion of the Batwa people for sustainable development 2022–27 (CCPR/C/BDI/CO/3, 29 August 2023, paragraph 49). ***Noting that the Independent National Human Rights Committee has encouraged the Government to improve the access of Batwa populations to education and land, the Committee requests the Government to provide detailed information on any measures adopted or envisaged for this purpose. With reference to the decision of the Council of Ministers to suspend the adoption of the national strategy for the integration and socio-economic inclusion of the Batwa for sustainable development 2022–27, the Committee requests the Government to provide detailed information on this matter and on any measures adopted or envisaged with a view to promoting equality of opportunity for the Batwa. It also requests the Government to provide information on the implementation of the Plan for Indigenous Peoples (Batwa) of August 2022. In the absence of information on forest management projects in association with the Batwa and on the efforts that were to be taken to guarantee them the right to exercise their traditional activities without discrimination and to conserve their means of subsistence, the Committee urges the Government to provide information on any measures adopted or envisaged in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

Chad

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1966)

Previous comment

Article 1(1)(a) of the Convention. Grounds of discrimination. Legislation. The Committee notes with ***concern*** that the Labour Code, which it had noted was under preparation in its comment adopted in 2013, is still in the process of being adopted. ***The Committee is bound to hope that the Government will soon be in a position to report the adoption of the new Labour Code and requests it to ensure that it contains provisions explicitly prohibiting any direct or indirect discrimination based, as a minimum, on all the grounds enumerated in Article 1(1)(a), and particularly race, colour and national extraction in light of the multi-ethnic composition of the country, at all stages of employment and occupation. The Committee requests the Government to provide a copy of the Labour Code as soon as it has been adopted, and of any implementing texts in relation to non-discrimination and equality in employment and occupation.***

Discrimination based on sex and equality of treatment between men and women. The Committee once again recalls that, in a previous report, the Government acknowledged that section 9 of Ordinance No. 006/PR/84 of 1984, which gives the husband the right to object to his spouse's activities, is completely outdated, and it undertook to take measures to repeal this provision and specified that occupational segregation between men and women is due in part to the significant levels of illiteracy and to social factors. The Committee requested the Government on that occasion to take the necessary measures. Noting the absence of a reply from the Government on this subject, the Committee notes that, according to the Working Group on the issue of discrimination against women in law and in practice (in its report to the United Nations Human Rights Council on its mission to Chad in December 2017), the female literacy rate was 22 per cent, compared with 54 per cent for men. With a view to combating inequality between men and women, it called on the Government to place increased focus on enrolling girls in school and keeping them there; on enabling women, including rural women, legally, educationally and economically, to free themselves from the yoke of a patriarchal system that upholds the interests of the dominant male class; and to adopt an attitude of zero tolerance regarding sexual and gender-based violence as part of the ongoing fight against the impunity and corruption that permeate society in Chad

and widen the inequality gap (A/HRC/38/46/Add.2, 8 May 2018, paragraphs 49 and 70). The Committee also notes that, in the report that it submitted to the Human Rights Council in November 2023, the Government indicates that it has: (1) established a department dedicated to promoting the rights and education of girls in the Ministry of Education; (2) established a programme on the school enrolment and continuing education of girls; and (3) adopted a National Gender Policy and a related five-year plan of action (the implementation of which is recommended by the United Nations country team) (A/HRC/WG.6/45/TCD/1, 10 November 2023, paragraphs 60–61 and 80; and A/HRC/WG.6/45/TCD/2, 17 November 2023, paragraph 43). ***In light of the above, the Committee urges the Government to formally repeal section 9 of the 1984 Ordinance and to take the necessary measures to: (i) actively combat stereotypes and prejudices concerning the vocational capacities and aspirations of men and women; (ii) raise awareness among parents and the population as a whole about the importance of girls and boys attending and remaining at school; and (iii) promote the access of girls and women to a broader range of training courses and occupations, particularly those that are traditionally occupied by men. Please provide information on the measures adopted in this regard, particularly within the framework of the programme on the school enrolment and continuing education of girls and the National Gender Policy and its plan of action; and on the results achieved (including statistics on the progressive increase in the school attendance rate of girls and the labour market participation rate of women).***

The Committee is raising other matters in a request addressed directly to the Government.

Czechia

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1993)

Previous comment

Article 1 of the Convention. The anti-discrimination legislation. The Committee notes with ***satisfaction*** the Government's information in its report that section 16(2) of the Labour Code of 2006 (Act No. 262/2006) as amended, now provides that: "Any discrimination in employment relations is prohibited, in particular discrimination on the grounds of sex, sexual orientation, racial or ethnic origin, nationality, citizenship, social origin, gender, language, health, age, religion or belief, property, marital and family status and relationship or obligations to the family, political or other opinion, membership and activity in political parties or political movements, trade unions or employers' organizations; discrimination on the grounds of pregnancy, maternity, paternity or gender Identification shall be deemed to be discrimination on grounds of sex". It further notes that section 16(3) provides that "the concepts of direct discrimination, indirect discrimination, harassment, sexual harassment, victimization, instruction to discriminate and incitement to discriminate, and the cases where differential treatment is permissible, shall be regulated by the Anti-Discrimination Act". ***The Committee requests the Government to provide information on the application of sections 16(2) and 16(3) of the Labour Code, including any guidance that it issued, any complaints that arose with regard to the application of these sections and any court proceeding settled or ongoing.***

Discrimination on the basis of political opinion. The Screening Act. The Committee notes that discrimination on the basis of political opinion is now formally prohibited under the Labour Code, as amended. It welcomes the information provided by the Government clarifying which positions with decision-making powers in the Civil Service are subject to screening (i.e. which positions require the issuance of negative screening certificates), pursuant to Act No. 234/2014 Coll., on the Civil Service, as well as the information on the number of positive certificates issued (2,032 in 2022 and 472 in the first half of 2023, of which 22 and 9 were positive in the respective years). It notes from the Government's report that from September 2018 to the issuance of the report, a total of 6 new lawsuits related to

positive screening certificates have been filed, and that in all cases the court determined that the plaintiff was not entitled to be registered as a person referred to in section 2(1)(b) of the Screening Act, or as a collaborator of military counter-intelligence. The Committee notes the information provided by the Government that an amendment to the Screening Act is currently going through the legislative process. ***The Committee asks the Government to provide a copy of the relevant amendments to the Screening Act once adopted, and to continue to monitor closely the application of the Screening Act and provide information on the screening certificates issued during the reporting period, indicating the number and nature of positive certificates issued and providing examples of the positions concerned. The Committee also requests the Government to continue to provide statistical information on any appeals lodged against a positive certificate and the results.***

The situation of the Roma in employment and occupation. The Committee notes that no information was communicated by the Government on this point. It notes from the 2019 concluding observations of the United Nations Committee on the Elimination of Racial Discrimination (CERD) the disproportionately high number of Roma who are unemployed, or in informal employment and the lack of representation of Roma in the public sector. It further notes the concern of the CERD that Roma children remain at risk of being misdiagnosed and enrolled in special education programmes for children with mild intellectual or psychosocial disabilities; and the prevalence of segregated schools where the large majority of pupils are Roma, noting that this practice is exacerbated by the concentration of Roma in socially excluded localities and by the reluctance of non-Roma parents to have Roma pupils attending their children's schools (CERD/C/CZE/CO/12-13, 19 September 2019, paragraphs 15(d) and 17). ***The Committee reiterates its request to the Government to actively take action to promote the employment of Roma, in cooperation with employers' and workers' organizations, and to take the necessary measures to assess the effective impact of the measures taken within the framework of the various projects and programmes, including the Comprehensive Strategy for Combating Social Exclusion (2011–15) and the Strategy for Roma Integration by 2020. The Committee further urges the Government to: (i) provide specific information on the measures taken to reform the educational system to end segregation of Roma pupils and promote inclusive education; and (ii) take concrete measures, within the above established framework or otherwise, to fight against stigmatization and discrimination against the Roma population and promote tolerance among all segments of the population.***

The Committee is raising other matters in a request addressed directly to the Government.

Ethiopia

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1999)

Previous comment

Articles 1 and 2(2)(a) of the Convention. Work of equal value. Private sector. Legislation. The Committee notes the Government's information, in its report, that the new Federal Civil Servants Proclamation 1064/2017, continues to provide, in its section 8, that "all positions of equal 'value' shall have an equal base salary". The Committee further notes the Government's indication that the new Labour Proclamation No. 1156/2019 was adopted. However, it notes with ***concern*** that the Government did not make use of the revision of the law to give full legislative expression to the principle of the Convention. Indeed, sections 14(1)(b) and 87(1) of the Labour Proclamation 2019, while prohibiting discrimination based on sex in respect of remuneration, continue to not specifically state that equal remuneration is required where women and men perform different work which is nevertheless work of equal "value"'. The Committee notes the Government's indication that it considers article 42(1)(d) of the Constitution, which guarantees "equal pay for equal work" for women and men, to sufficiently reflect the principle of the Convention. The Committee must therefore, once again, recall that the concept of "work of equal

value" lies at the heart of the fundamental right of equal remuneration for women and men for work of equal value, and the promotion of equality. It permits a broad scope of comparison, including, but going beyond equal remuneration for "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, which is nevertheless of equal value (see the 2012 General Survey on the fundamental Conventions, paragraphs 672–679). ***Therefore, the Committee urges the Government to take the necessary measures, in the near future, to give full legislative expression to the principle of equal remuneration for women and men for work of equal value enshrined in the Convention, and to provide information on the concrete steps taken in this respect.***

The Committee is raising other points in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1966)

Previous comment: observation

Previous comment: direct request

Article 1(1)(a) of the Convention. Prohibited grounds of discrimination. Legislation. The Committee notes the adoption of the new Labour Proclamation No. 1156/2019. It notes with ***satisfaction*** that the grounds of colour, social origin and national extraction have been added to the prohibited grounds of discrimination in employment and occupation. Indeed, under section 2(15) of the Labour Proclamation, discrimination is defined as "any distinction, exclusion or preference made on the basis of nation, race, colour, sex, religion, political opinion, national extraction, social origin, HIV/AIDS status, disablement and others which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation".

The Committee also notes the adoption of the Federal Civil Service Proclamation No. 1064/2017. However, it notes with ***regret***, that the Government did not make use of the legislative amendment to include the grounds of colour, social origin and national extraction as prohibited grounds of discrimination. The Committee notes the Government's repeated indication, in its report, that it considers that the grounds of colour, social origin and national extraction are substantially covered by the expression "any other grounds" used in section 13(2) of the Federal Civil Service Proclamation. In this regard, the Committee once again draws the Government's attention to the need for comprehensive legislation containing explicit provisions defining and prohibiting direct and indirect discrimination on at least all of those grounds, and in all aspects of employment and occupation, in order to enable workers to avail themselves of their right to non-discrimination, and to ensure the full and effective application of the Convention. ***The Committee therefore urges the Government to take concrete steps to amend the Federal Civil Service Proclamation No. 1064/2017, with a view to specifying colour, social origin and national extraction as prohibited grounds of discrimination so as to ensure that discrimination is prohibited in all aspects of employment and occupation on the basis of all the grounds enumerated in the Convention both in the private and public sectors.***

Scope of application. The Committee notes with ***satisfaction*** the Government's indication that, under section 3 of the new Labour Proclamation, the scope of application of the law has been extended to include the recruitment process.

Equality of opportunity and treatment irrespective of race and colour. Indigenous communities. With regard to its previous request on pastoralist communities, the Committee notes the Government's reiterated indication that it usually undertakes prior consultation with concerned parts of the community in areas where large-scale farming and other projects are going to take place, by raising awareness of these projects and allowing the communities affected to participate actively in the implementation process. The Government also states, without providing specific information, that the national policy and planning frameworks aim to address the specific needs of pastoralist communities. The Committee further notes, from the concluding observations of the United Nations Human Rights

Committee, the concerns about: (1) the absence of dedicated legislation recognizing and promoting the rights of indigenous peoples; and (2) reports that the principle of free, prior and informed consultations was not fully upheld with regard to development projects that may affect the rights of indigenous peoples, including prior to the construction of the Gibe III hydroelectric dam (CCPR/C/ETH/CO/2, 7 December 2022, paragraph 47). Recalling that indigenous peoples in the country continue to face high levels of discrimination due to persistent prejudices and negative stereotypes, affecting their situation in employment and occupation, the Committee must once again refer the Government to paragraph 768 of its 2012 General Survey on the fundamental Conventions. ***With a view to achieving equal opportunity and treatment of indigenous communities with the rest of the population with respect to employment and occupation, in particular traditional occupations, the Committee once again asks the Government to: (i) ensure that due consideration is given to the land-based pastoralists' livelihood and way of life in establishing and implementing the national policy and planning frameworks, including in the context of the programmes undertaken to develop pastoralist communities, taking into consideration their specific needs; (ii) provide detailed and specific information on the measures taken to this end; and (iii) include concrete examples of the steps taken in cooperation with pastoralist communities to assess their ability to pursue their traditional activities, in particular with respect to their traditional land rights, and the results of such steps.***

Follow-up to the recommendations of the Tripartite Committee (representation made under article 24 of the ILO Constitution). The Committee recalls that the final award of damages in respect of claims made was determined on 17 August 2009. The Committee notes the Government's indication that it has signed a peace agreement with the Eritrean Government but that measures have not yet been taken to enforce the final award. ***Once again recalling that the Claims Commission, in its decision of 27 July 2007, recognized that each State party had full authority to determine the use and distribution of any damages awarded to it, the Committee once again asks the Government to identify the steps taken or envisaged to grant actual relief or remedies to the workers displaced following the outbreak of the 1998 border conflict.***

The Committee is raising other points in a request addressed directly to the Government.

Gabon

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1961)

Previous comment

Article 1(b) of the Convention. Equal remuneration for men and women for work of equal value. Legislation. With reference to its previous comment, the Committee notes the indications in the Government's report, according to which Act No. 022/2021 issuing the Labour Code was adopted on 19 November 2021. While the Committee notes with ***satisfaction*** that section 170(1) of the Labour Code establishes that, "for work of equal value, remuneration shall be equal for all workers, regardless of their origin, opinions, sex and age", it nonetheless notes with ***regret*** that section 170(3) mentions "equality of remuneration between men and women for work of equal value *and of the same nature*". In this regard, the Committee again recalls that the concept of equal "value" as set out in the Convention permits a broad scope of comparison, including "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, but which is nevertheless of equal value. This is crucial for the full application of the Convention as, in practice, men and women are often not engaged in the same jobs (see the 2012 General Survey on the fundamental Conventions; paragraphs 673, 675 and 698). The Committee also recalls that where legislation on equal remuneration exists, it must be neither more restrictive than, nor in contradiction to, the Convention. Moreover, the Committee considers that the coexistence of the two clauses cited above could engender confusion, or even prove conflictual, when applying the principle of equal pay for men and women for work of equal value in

practice. ***Accordingly, the Committee firmly hopes, in accordance with its repeated comments, that the Government will take the necessary measures to give full expression and full effect in the Labour Code to the principle enshrined in the Convention by retaining only the formulation figuring in section 170(1) of the text. The Committee requests the Government to provide information on: (i) all progress achieved in this regard; and (ii) the implementation and interpretation of these provisions by the judiciary.***

Articles 2 and 3. Determination of rates of remuneration. Objective job evaluation. With reference to its previous comment, the Committee notes that the Government indicates that the remuneration of State officials is a combination of financial and in-kind elements which includes a direct component (the wage paid at the end of the month), an indirect component (social benefits, training, etc.) as well as numerous non-financial advantages (career development, decorations, etc.). The Government indicates that under the remuneration system established in 2015, the criteria established for remuneration are not based on gender and that the jobs that are predominantly held by women are not undervalued in comparison with those occupied by men. According to the Government, the system establishes a salary scale (which sets the method for calculating basic pay and defines maximum pay levels) while taking account of the specific nature of various occupations, such as teachers in higher education or members of the defence and security forces. The Government adds that the system provides for the payment of a certain number of allowances (for housing, transport and representation, for example), and that it includes several pay scales allowing it to take account of the differences in each sector. The Government finally indicates that the new management policy for the public service also takes individual performance into account. The Committee notes with ***regret*** that the information provided by the Government gives no details regarding the method used to classify jobs in the public service and that it therefore does not enable the Committee to evaluate the application of the Convention in practice. In this regard, the Committee recalls that the method for job evaluation must be founded on objective criteria, such as skills and qualifications, effort, responsibilities and working conditions (see the 2012 General Survey, paragraph 695), to ensure that the job classifications and salary scales in the public service are free from all sexist bias. ***The Committee again requests the Government to provide information on the methods used to evaluate and classify the different jobs in the public service and to provide the corresponding salary scales, indicating the number of men and women holding posts in each category. Moreover, noting that section 149(12) of the Labour Code establishes that collective agreements must include provisions regarding the essential elements for determining occupational classification and qualification level, the Committee requests the Government to provide information on the nature of these elements and to indicate how the criteria for objective job evaluation of private sector jobs are free from all gender-based prejudice and do not, in practice, result in an undervaluing of jobs predominantly occupied by women.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1961)

Previous comment

Article 1(1) of the Convention. Definition of discrimination. Legislation. In response to the Committee's previous comment, the Government indicates in its report that section 9 of Act No. 022/2021 of 19 November 2021 issuing the Labour Code now provides that: (1) all discrimination in respect of job vacancies, selection, recruitment, working conditions, career development and termination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin is prohibited; and (2) the term discrimination is understood as "any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation". The Committee takes note with ***satisfaction*** of this information, which answers to its previous request.

Article 1(1)(a) and 3. Discrimination on the basis of sex. Legislation. The Government indicates that Act No. 004/2021 amending certain provisions of Act No. 15/72 of 29 July 1972 issuing the Civil Code, was adopted on 15 September 2021 and that, following this revision of the Civil Code, provisions promoting gender equality have been introduced. Under the new section 253 of the Civil Code, "the family is managed jointly by the spouses". Under the new section 254, "the family home is chosen by common accord of the spouses". In conformity with new section 261, "each spouse shall exercise the occupation of his or her choice". The Committee notes this information with ***satisfaction***, as it answers to its previous request.

Moreover, the Government indicates that the provisions of the new Labour Code in general prohibiting night work for women have been removed. On the other hand, new sections 209 and 210 of the Labour Code have introduced measures to protect women during pregnancy and postnatal leave. The Committee also notes this information, which answers to its previous request, with ***satisfaction***.

National policy on equality of opportunity and treatment without distinction on grounds of sex. Further to its previous comment, the Committee notes, from the description of the United Nations Population Fund Country Programme for Gabon, that the United Nations Sustainable Development Cooperation Framework for Gabon 2023–2027 highlights the strong political will to address gender inequalities and promote concrete policies and programmes aimed at improving the conditions of women and girls, but gender inequalities remain a challenge due to dominant patriarchal structures that negatively influence women's decision making capacity and their access to resources and basic social services (DP/FPA/CPD/GAB/8, 2 December 2022, paragraph 5). In this regard, the Committee notes from the Decent Work Country Programme (DWCP) for Gabon 2024–2027 that, in light of such key labour market indicators as access to employment, access to vocational training, unemployment and underemployment, women are generally in a less favourable position than men. The Committee notes that one of the DWCP's priorities is to ensure, by 2027, the participation of populations, in particular young persons and women, in the sustainable management of natural resources. The objective of this priority is to engage these populations in entrepreneurship and innovation in the green and blue sectors of the economy, and also in the rural economy on the basis of transition to the formal economy. The DWCP also indicates that the support system for the private sector and for youth entrepreneurship and women should be strengthened and streamlined (Gabon National Agency for Investment Promotion) (ANPI-GABON), Directorate-General for Small and Medium-sized Enterprises (DGPME), National Agency for the Promotion of Small and Medium-sized Enterprises (PromoGabon), (Centre for Enterprise Development, etc.). ***The Committee requests the Government to provide information on all measures taken or envisaged to implement the objectives for developing women's entrepreneurship figuring in the DWCP 2024–2027. Noting that the Decade of the Women of Gabon (2015–2025) is drawing to a close, the Committee requests the Government to provide detailed information on the results obtained in respect of women's empowerment, as well as the results of the national collection of data on the situation of Gabonese women undertaken by the National Advisory Commission of the Decade of the Women of Gabon, and the remaining challenges. Finally, noting that the transitional Government in place since January 2024 no longer has a Minister for Equal Opportunity, the Committee requests the Government to indicate which ministry is now responsible for promoting the principle of equality of opportunity and treatment for men and women in employment and occupation, and to provide information on the strategy for promotion of this principle at the highest level of the State.***

Promotion of equality of opportunity and treatment without distinction on grounds other than sex. The Committee notes that in response to its previous comment, the Government again indicates that it continues to expend efforts to bring its legislative framework into conformity with the Convention and to raise the populations' awareness of current legal changes and the adoption of behavioural change, but that it is a lengthy process. Consequently, the Committee is obliged to recall that: (1) the primary obligation of ratifying States is to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any

discrimination in this respect; and (2) the implementation of such a policy presupposes the adoption of a range of specific measures, which generally consist of a combination of legislative and administrative measures, collective agreements, public policies, affirmative action measures, dispute resolution and enforcement mechanisms, specialized bodies, practical programmes and awareness-raising (see the 2012 General Survey on the fundamental Conventions, paragraphs 841 and 848). ***The Committee therefore urges the Government to take the necessary measures to lead eventually to the formulation of a national policy on equality of opportunity and treatment without distinction on grounds of race, colour, religion, political opinion, national extraction and social origin, and to provide information on any progress achieved in this regard. The Committee firmly hopes that this policy will be rapidly formulated.***

The Committee is raising other matters in a request addressed directly to the Government.

Gambia

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 2000)

Previous comment

Articles 1 and 2 of the Convention. Scope of application. Workers excluded from the protection of the Labour Act. The Committee welcomes the adoption of the Labour Act 2023 and notes the Government's indication, in its report, that under section 3(1) of the Act, domestic workers are now included in the scope of application of the Act and the protection from discrimination therein provided. However, the Committee notes that the Labour Act 2023 still does not apply to: (1) civil servants; (2) members of armed forces, except persons employed in a civil capacity by them; and (3) members of any law enforcement services, except persons employed in a civil capacity by them. In this respect, the Committee wishes to recall that the Convention does not limit its scope of application to specific individuals or branches of activity (see the 2012 General Survey on the fundamental Conventions, paragraph 733). The Committee further notes that the General Orders for the Public Service of The Gambia 2013, and the Public Service Commission Regulations 2013 do not expressly prohibit direct and indirect discrimination against public servants on grounds prohibited by the Convention. ***Therefore, the Committee urges the Government: (i) to indicate how workers excluded from the Labour Act are protected, in law and practice, against discrimination in employment and occupation based on, at least, all of the grounds enumerated in Article 1(1)(a) of the Convention; and (ii) to revise the General Orders for the Public Service of the Gambia 2013 and the Public Service Commission Regulations 2013 to prohibit direct and indirect discrimination against public servants based on the grounds provided in the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Germany

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1956)

Previous comment

The Committee notes the observations of the German Confederation of Trade Unions (DGB) received on 31 August 2023.

Article 2 of the Convention. Wage transparency. Referring to its previous comments, the Committee notes the Government's indication, in its report, that several actions have been implemented to raise awareness and support companies in the implementation of the Act promoting remuneration transparency between women and men (Transparency of Remuneration Act), 2017, as amended (EntgTranspG). As regards the thresholds set by the Act for the application of its provisions, the Government states that, in 2021, there were 21,300 companies with 200 or more workers and

7,416 companies with 500 or more workers in Germany. The Government adds that the Federal Labour Court (BAG) strengthened the principle of equal pay set in the Act through several landmark judgments, in particular on 16 February 2023 when it ruled that the right to equal pay for work of equal value between men and women stands irrespective of different negotiation tactics used by employees or the fact that the male employee followed a higher-salaried employee who previously occupied the position (judgment 8 AZR 450/21). The Government adds that the second evaluation of the effectiveness of the Act was carried out in August 2023 and will serve as a basis for the planned improvement of the law, in particular to ensure the transposition of the European Union (EU)'s Pay Transparency Directive into the national legislation by 7 June 2026. In that regard, the Committee notes that, in its observations, the DGB states that the Transparency of Remuneration Act is inconsistently structured in crucial areas and falls short of the requirements to achieve its actual aim. In DGB's views, key findings of the second evaluation of the effectiveness of the Act are that: (1) awareness of the Act is declining; (2) differing information is provided to employers and works councils, showing that in-company processes have still not been clarified; and (3) the majority of firms are failing to fulfil their reporting obligations. As a result, the DGB calls for mandatory remuneration evaluation procedures, as well as an expansion of the scope of the Act in correlation with the provisions of the EU Pay Transparency Directive which includes provisions: (1) to enforce reporting obligations and evaluation procedures; (2) to expand the reporting obligations to companies with more than 100 workers; and (3) to grant all workers the right to request information. ***The Committee trusts that the Government will pursue efforts to raise awareness of and enhance effective compliance with the Transparency of Remuneration Act, in particular as regards companies' reporting obligations. It asks the Government to provide information on: (i) any adjustments made to the Transparency of Remuneration Act as a result of the second evaluation of the effectiveness of the Act, including with a view to widening its scope to implement the EU Pay Transparency Directive; (ii) any assessment made of the level of compliance with the statutory reporting requirements on gender equality and equal pay at the company level; as well as (iii) any actions taken to enhance the implementation of the Act, including by raising awareness of workers, employers and their respective organizations about its provisions and remedies available, and address gender wage gaps revealed.***

Articles 2 and 3. Assessing and addressing the gender pay gap. The Committee notes from the statistical information provided by the Government, that, in 2022, the hourly gender pay gap remained high, being estimated at 19 per cent in the private sector, compared to 6 per cent in the public sector. Significant variations persist between the regions (19 per cent in the western part of the country, compared to 7 per cent in the eastern part). Furthermore, in 2022, pay differentials between men and women were still particularly wide in scientific and technical activities (27 per cent), financial and insurance services (27 per cent), information and communication (22 per cent) and manufacturing (21 per cent). As regards occupational groups, in the private sector, the hourly gender pay gap was as high as 29 per cent for managers, 24 per cent for technicians and associate professionals, and 21 per cent for professionals. The Government states that the gender pay gap is largely due to family breaks and long-term part-time work. Family-related interruptions in employment are the main cause of derailed career trajectories with consequences for qualifications, earned income and retirement security. The Committee refers, in that regard, to its comments made on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), on occupational gender segregation and reconciliation of work and family responsibilities. It notes the Government's indication that several awareness-raising actions on the causes of the gender pay gap and possible courses of action have been continued but regrets the lack of information on the results of the "Promoting Equal Pay – Advising, Supporting, Strengthening Businesses" programme that ended in 2023. The Government states that the Equal Pay Award was presented for the second time in April 2023 to companies using innovative concepts to ensure equal pay in practice. The Committee notes that, in its observations, the DGB highlights the persistence of the high gender pay gap, the need for a stronger

commitment from the Federal Government on this issue, as well as the need for the topic of equal pay to be broadly anchored in society through awareness-raising activities, in particular with a view to better enhancing equal distribution of care work between partners. The DGB states that the lower working hours of women compared to men, together with the different pay rates in professions and industries, are major causes of the gender pay gap. In that regard, the Committee notes with ***concern*** that: (1) the gender pay gap in Germany only slightly decreased by 1 percentage point since 2019 and remains one of the highest in the European Union (5 percentage points above the European Union average in 2022); and (2) even with the same formal qualifications and otherwise the same characteristics, the statistically measurable difference in pay was still 7 per cent, which can be considered as an indication of latent discrimination against women in the labour market. The Committee notes that, in its 2023 concluding observations, the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW) also expressed concern about: (1) the persistently large gender pay gap; (2) women's concentration in the lower-paid service sectors and temporary and part-time work, owing to their traditional role as caregivers for children and older family members; and (3) the gender pension gap which reached almost 30 per cent in 2021 (CEDAW/C/DEU/CO/9, 31 May 2023, paragraph 43). ***The Committee therefore urges, once again, the Government to strengthen its efforts to eliminate the gender pay gap, including by addressing the differences in remuneration that may be due to gender discrimination. It asks the Government to provide information on: (i) the specific measures implemented to that end as well as to address gender disparity in pensions; (ii) any assessment made of the impact of such measures and any initiative undertaken as a follow-up, including in collaboration with the social partners; and (iii) statistical information on the earnings of men and women, disaggregated by economic activity and occupation, both in the public and private sectors.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1961)

Previous comment

The Committee notes the observations of the German Confederation of Trade Unions (DGB) received on 31 August 2023.

Articles 1(1)(a), 2 and 3 of the Convention. Non-discrimination, equality of opportunity and treatment irrespective of race, colour or national extraction. Referring to its previous comments on the persistent segregation and discrimination faced by minorities in education and employment, the Committee notes the Government's statement, in its report, that significant differences persist regarding employment of persons with a migration background. According to the micro-census conducted by the Federal Statistical Office, in 2022 persons with a migration background: (1) had an employment rate estimated at 69.1 per cent (61.4 per cent for women and 76.5 per cent for men), in contrast to 80.4 per cent for persons of German origin – compared to 65 and 77.3 per cent, respectively, in 2017; (2) were less frequently represented among "managers" (3 per cent compared to 4.5 per cent for persons of German origin), "professionals" (17.4 per cent compared to 24 per cent) and "technicians and associate professionals" (15.1 per cent compared to 21.7 per cent); and (3) were disproportionately employed in low-skilled occupations, as 15.6 per cent worked in "elementary occupations" (compared to 4.7 per cent for persons of German origin) and 9.9 per cent as "plant and machine operators, and assemblers" (compared to 4.9 per cent). Furthermore, 44.2 per cent of them had no vocational training qualification in 2022, compared to 14.7 per cent for persons of German origin. The Government indicates that no statement can be made regarding the extent to which such differences can be explained by discrimination or other factors but, according to the results of the ad hoc module of the 2021 Labour Force Survey, 5.9 per cent of the respondents with a migration background stated that they had been discriminated against at work at least once on the ground of their foreign origin. In that regard, the Committee notes from the last annual report of the Federal Anti-Discrimination Agency (ADS) that, in

2022, the ADS dealt with 8,827 requests, 43 per cent of which concerned discrimination based on race or ethnic origin (compared to 33 per cent in 2019), and that most experiences of discrimination were reported regarding employment (28 per cent). The Government states that four of the five core projects of the National Action Plan on Integration (NAP-I) have been successfully implemented so far, to ensure labour market integration of persons with a migration background. It further refers to the *WIR – Netzwerke integrieren Geflüchtete in den regionalen Arbeitsmarkt* (WIR – Networks Integrate Refugees into the Regional Labour Market) project designed to support almost 50,000 refugees by 2026 in participating in the labour market. The Committee welcomes the various initiatives taken to improve qualifications and skills for persons with a migration background, including the establishment of regional skilled workers networks and the results of the *Stark im Beruf – Mütter mit Migrationshintergrund steigen ein* (Strong in the workplace – Mothers with a migration background get on board) programme which ended in 2022. The Committee notes that, in its observations, the DGB welcomes the measures implemented to enhance the integration of persons with a migration background, but that it expresses concerns about the lack of consideration given to the gender perspective while women with a migration background are being confronted with important obstacles in participating equally in the labour market. In that regard, the DGB welcomes the newly created "MY TURN" programme, which focuses on the specific needs of low-skilled women with a migration background. As regards the situation of Sinti and Roma people, the Committee notes the Government's indication that several studies point out that Sinti and Roma are strongly affected by institutional and structural racism as well as intersectional discrimination. In that regard, the Committee welcomes: (1) the adoption, in February 2022, of the *Bekämpfung von Antiziganismus, Sicherstellung der Teilhabe!* (Tackling Anti-Gypsyism, Ensuring Participation!) National Strategy with a view to implementing the European Union Roma Strategic Framework; and (2) the appointment, in March 2022, of the first Federal Commissioner for the Fight against Anti-Gypsyism and for Sinti and Roma Life, as well as of specific commissioners by some of the federal states. It further notes that the ADS is funding two research projects regarding discrimination experienced by the Sinti and Roma, the results of which, including collected data, will be used as of 2024 for the development of measures to combat discrimination. Welcoming this information, the Committee notes, however, from the Federal Report on Racism published in 2023 by the Federal Commissioner for Anti-Racism (appointed for the first time in 2022), the need for more effective support of those affected by racism, in particular the Sinti, Roma and Muslim communities, acknowledging the fact that structural racism in Germany has been long ignored in the past. As a result of the report, a Council of Experts on Anti-Racism was appointed by the Federal Commissioner in July 2023 with a view to developing proposals for an effective anti-racism policy in Germany. The Committee notes that, in its 2023 concluding observations, the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD) also noted with concern: (1) the lack of data disaggregated by ethnicity, that does not allow for a comprehensive overview of the racial discrimination faced by various ethnic groups throughout the territory and is a barrier to the formulation and implementation of effective public policies; (2) the increase of racist hate speech and incitement to racial discrimination, including in public discourse, and the increase in the number of violent attacks against persons belonging to ethnic minorities and non-nationals; (3) the low level of education among Roma and Sinti children, and the level of discrimination in the education system faced by children from ethnic minorities and from a migrant background; (4) the persistence of systemic racism and the barriers that persons belonging to ethnic minorities continue to face, including people of African descent and Muslim communities, in particular with regard to access to employment; and (5) the significant number of migrant workers, in particular those in an irregular situation, affected by precarious working conditions and exposed to abuses and labour exploitation (CERD/C/DEU/CO/23-26, 21 December 2023, paragraphs 5, 15, 19, 23, 27, 29 and 35). ***In light of the persistent disparities in access to education, training and employment of persons with an ethnic minority or migration background, the Committee urges the Government to strengthen its efforts to effectively address discrimination and ensure equality of opportunity and treatment for these persons,***

in particular Sinti and Roma people, Muslim communities, people of African descent and migrant workers. It asks the Government to provide information on: (i) the proactive measures implemented to that end, including those with a gender perspective, in the context of the NAP-I, the Tackling Anti-Gypsyism, Ensuring Participation! National Strategy or other programmes; (ii) the activities carried out by the Federal Commissioner for the Fight against Anti-Gypsyism and for Sinti and Roma Life, and the Federal Commissioner for Anti-Racism, including any follow-up measures taken as a result of any proposals formulated by the Council of Experts on Anti-Racism appointed in July 2023; (iii) any assessment made of the impact of these measures, as well as of the situation of persons with a migration background, on the labour market; and (iv) the number, nature and outcome of cases of discrimination against persons with a migration background dealt with by the ADS, the courts or any other competent authorities.

The Committee is raising other matters in a request addressed directly to the Government.

Greece

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1975)

Previous comment

The Committee notes the observations of the Greek General Confederation of Labour (GSEE) received on 1 September 2021 and 1 September 2023.

Articles 1 to 4 of the Convention. Assessing and addressing the gender pay gap. Referring to its previous comments on the persistent gender pay gap and occupational gender segregation of the labour market, the Committee notes, from the statistical information forwarded by the Government in its report, that while the gender pay gap decreased from 12.5 per cent in 2014 to 10.4 per cent in 2018, the average gross monthly earnings of women remained substantially lower than those of men with a gap of 16.9 per cent in 2018 (compared to 17.5 per cent in 2014). In that regard, it notes that the National Action Plan for Gender Equality (NAPGE) for 2021–2025 sets the specific objective of reducing the gender pay gap and pension gap, including through legislative actions and awareness-raising activities (priority axis 2, objective 3), but observes that no information has been made available on the concrete measures implemented to that end so far. As regards the awarding of the "Equality Label", provided for under Law No. 4206/2019, the Committee notes the Government's indication that a methodology, which includes the equal pay for work of equal value criteria and the elaboration and implementation of an Equality Plan, has been elaborated and 18 enterprises have been awarded the Equality Label so far. Welcoming this information, the Committee however notes that, in its observations, the GSEE expressed concern about: (1) the persistence of the gender pay gap; (2) the interventions made by the Government that limit collective autonomy and the scope of collective agreements and negatively impact the gender pay gap; and (3) the lack of reliable statistical data collection that hinders an accurate assessment of gender discrimination. In that regard, the Committee notes with ***regret*** the persistent lack of updated statistical data as the most recent data on the gender pay gap were collected in 2018 and no data are available for the period 2019–23. It further notes that, in its 2024 concluding observations, the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW) also expressed concern about: (1) the persistent gender pay gap; (2) the concentration of women in lower-paid jobs and in the informal economy, where they are exposed to exploitation and have no access to social security systems; and (3) the large number of women engaged in unpaid care work (CEDAW/C/GRC/CO/8-9, 20 February 2024, paragraph 33). In light of the significant gender pay gap, the Committee wishes to stress that it is important to deal with the persistent underlying causes of pay inequality that still need to be addressed in the country. A comprehensive approach to the reduction and elimination of pay disparity between men and women involving societal, political, cultural and labour market interventions is required. In that regard, the Committee observes that the Directive (EU) 2023/970 of the European

Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between women and men through pay transparency and enforcement mechanisms (EU Pay Transparency Directive) entered into force on 6 June 2023, and that EU Member States must implement it within three years. ***The Committee asks the Government to strengthen its efforts to effectively reduce the persistent gender pay gap and address its underlying causes, such as occupational gender segregation, gender stereotypes and the unequal distribution of unpaid care work between men and women. It asks the Government to provide information on: (i) the specific measures implemented to that end, including in the framework of the NAPGE for 2021–2025; (ii) any assessment made of the impact of such measures and any initiatives undertaken as a follow-up, including in collaboration with the social partners; and (iii) the earnings of men and women, disaggregated by economic activity and occupation, both in the public and private sectors. Recalling that regularly collecting, analysing and disseminating information is important for addressing unequal pay appropriately, the Committee further asks the Government to take all necessary measures to regularly collect statistical information on the gender pay gap and to provide information on any steps implemented to that end. The Committee requests the Government to provide information on the transposition of the EU Directive on Pay Transparency into the national legal framework and its implementation.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1984)

Previous comment

The Committee notes the observations of the Greek General Confederation of Labour (GSEE) received on 1 September 2021 and 1 September 2023.

Articles 2 and 3 of the Convention. Equality of opportunity and treatment for men and women. The Committee notes, from the statistical information provided by the Government in its report, that the employment rate for women slightly increased from 51.3 per cent in 2019 to 55.9 per cent in 2022, but remained 21 percentage points below that of men (76.9 per cent in 2022). Furthermore, the part-time employment rate for women was estimated at 12.1 per cent compared to 4.8 per cent for men. According to the Hellenic Statistical Authority (ELSTAT), in March 2024, the unemployment rate for women was estimated at 13.8 per cent compared to 7.2 per cent for men. The Committee notes that the National Action Plan for Gender Equality (NAPGE) for 2021–2025 highlights that the low participation of women in the labour market is due to: (1) the consistently low participation and early retirement of women, and (2) the discrimination shown by employers to women, especially those of childbearing age. More particularly, the NAPGE sets as a specific priority axis the equal participation of women in the labour market, including by: (1) strengthening women's employment and entrepreneurship and increasing the number of women in decision-making positions, both in the public and private sectors; (2) addressing gender segregation at the workplace and enhancing the education and training of girls and women in science, technology, engineering, mathematics (STEM) and the information and communications technology (ICT) sector; (3) reconciling work and family responsibilities; (4) raising awareness about gender discrimination in employment; and (5) monitoring employment of women and discrimination in the workplace. The Committee notes that, in its observations, the GSEE regrets the lack of tripartite social dialogue in relation to gender equality issues and, more specifically, the lack of adequate social partners' inputs in the NAPGE. The GSEE further deplores that the General Secretariat for Demographic and Family Policy and Gender Equality was renamed the General Secretariat for Equality and Human Rights and transferred from the Ministry of Labour to the newly established Ministry of Social Cohesion and Family which, in the GSEE's view, is expected to negatively impact the promotion of gender equality and the implementation of the Convention. As regards reconciling work and family responsibilities, the Committee welcomes the adoption of Law No. 4808/2021 which

transposes the European Union (EU) Directive 2019/1158 on work–life balance, introduces more flexible working arrangements and extends paternity leave to 14 days. It further notes the adoption of Law No. 4997/2022 and Law No. 5078/2023 which expand the nine-month parental leave ("special leave for maternity protection") to all women workers in the private sector and provide that seven out of the nine months can now be shared with the father. The Committee observes that mothers are still considered as holders of the right to qualify for the special leave whereas fathers may share only part of the leave as a derivative, and not individual, right. In that regard, it recalls that when legislation, collective agreements or other measures reflect the assumption that the main responsibility for family care lies with women or excludes men from certain rights and benefits, it reinforces and prolongs stereotypes regarding the roles of women and men in the family and in society. The Committee considers that, in order to achieve the objective of the Convention, measures to assist workers with family responsibilities should be available to men and women on an equal footing (see the 2012 General Survey on the fundamental Conventions, paragraph 786). In that regard, the Committee notes that, in its 2024 concluding observations, the United Nations (UN) Committee on the Elimination of Discrimination Against Women (CEDAW) expressed concern about: (1) the persistence of deep-rooted stereotypes concerning the roles and responsibilities of women and men in the family and in society, which overemphasize women's traditional role as mothers and wives, thereby undermining women's social status, autonomy and educational and professional opportunities; (2) the large number of women engaged in unpaid care work; (3) the concentration of women in lower-paid jobs and in the informal economy, where they are exposed to exploitation and have no access to social security systems; and (4) the reluctance of women to file complaints about gender-based violence and discrimination due to the prevalence of judicial gender bias and gender stereotypes among law enforcement officers (CEDAW/C/GRC/CO/8-9, 20 February 2024, paragraphs 13, 21 and 33). The Committee notes the Government's indication that, from 2020 to 2022, the labour inspectorate investigated 10 cases of discriminatory treatment on the ground of sex. It further notes that, according to the Ombudsman's 2022 Special Report on equal treatment, 59 per cent of the complaints received referred to discrimination based on sex. ***The Committee urges the Government to strengthen its efforts to address gender stereotypes and occupational gender segregation and to promote a fair distribution of unpaid care work, including in cooperation with employers' and workers' organizations, in order to promote equality of opportunity and treatment for men and women. It asks the Government to provide information on the specific measures taken, in particular in the framework of the NAPGE 2021–2025, to: (i) enhance women's economic empowerment and access to the labour market, including in non-traditional fields of study and occupations and to decision-making positions; (ii) actively combat gender stereotypes and sexist prejudices; (iii) allow men and women to benefit, on an equal footing, from measures aimed at reconciling work and family responsibilities, including as regards parental leave; and (iv) assess the effectiveness and impact of the measures adopted and programmes implemented to that end.***

Equality plans and equality labels. The Committee recalls that Law No. 4604/2019, of 12 June 2019, encourages public and private enterprises to draft and implement equality plans and provides that the Government can award equality labels to public and private enterprises for achievements in the promotion of gender equality. The Committee notes the Government's indication that: (1) 9 out of 13 regions and 325 out of 332 municipalities have established regional and municipal committees for gender equality, respectively, to raise awareness on gender inequalities and stereotypes, as well as promote women's rights at the local level; (2) since March 2023, the Government has established a helpdesk for direct contact with competent regional and municipal authorities on gender equality policies; and (3) the members of the National Council for Gender Equality (ESIF) have been appointed. As regards the elaboration of equality plans, the Government states that while ministries shall present, on a compulsory and annual basis, activities, measures and programmes relating to the promotion of substantive gender equality, this obligation has not yet been fulfilled. The Government adds that a

tailored action plan to apply gender-mainstreaming at central government level is being elaborated and would include a binding framework for gender impact assessment and gender budgeting implementation. Two officials per ministry will be designated as focal points and will participate in an inter-ministerial team to support the gender mainstreaming in ministries' public policies. The Committee further notes the Government's indication that, to date, only ten municipalities have drawn up a gender action plan. As regards equality labels, the Committee notes the Government's statement that, to date, 18 enterprises have been awarded the "Equality Label" and the Ministerial Decision on equality labels, requested by Law No. 4604/2019, is in its final stage of editing. ***The Committee asks the Government to continue providing information on the steps taken for the application in practice of Law No. 4604/2019, and particularly on: (i) the establishment, functioning, activities and impact of municipal and regional committees for gender equality and the National Council for Gender Equality; (ii) the elaboration and implementation of equality plans by employers, in both the public and private sectors; and (iii) the number of equality labels awarded by sector, as well as a copy of the Ministerial Decision adopted in that respect.***

Equality of opportunity and treatment irrespective of race, colour or national extraction. 1. *Roma people.* Referring to its previous comments regarding the persistent stereotypes and discrimination affecting Roma people in access to employment and education, the Committee welcomes the adoption of the National Strategy and Action Plan for Roma Social Inclusion for 2021–2030 which emphasizes that marginalization of Roma people results from racism and discrimination that hinders their integration. The Strategy sets, as specific objectives, to: (1) strengthen Roma's equal access to education and employment; (2) prevent and address stereotypes and discrimination against Roma people; and (3) promote their active participation, inter alia, in economic life. The Action Plan further provides for: (1) supportive interventions to reduce school dropout rates for young Roma and enhance access to education, training and certification, including through annual scholarship programmes; (2) specific actions aimed at promoting access of Roma people to quality and sustainable employment and active participation in the formal labour market, including through the empowerment of young Roma and women; and (3) awareness-raising activities at the local level to combat stereotypes and discrimination against Roma. Specific actions aimed at reducing school dropout rates and enhancing vocational training of Roma women directly connecting them to the labour market are also included in the NAPGE for 2021–2025. The Committee notes that, on 22 March 2023, the first meeting of the Advisory Committee of the new National Strategy, which consists of representatives of all competent ministries and bodies as well as from Roma representatives, was held in order to provide expertise and formulate proposals to the General Secretariat for Social Solidarity and Combating Poverty of the Ministry of Labour and Social Affairs regarding the implementation and monitoring of the Strategy. As regards statistical data, the Committee notes the Government's indication that no specific information is available for Roma people but that the Strategy provides for the improvement of data collection. The Committee notes that, according to a survey carried out by the General Secretariat, in 2021, high unemployment (64 per cent) and informal employment (54 per cent) rates were recorded among Roma people. As regards education, the survey highlighted that the school attendance rate of children is low, reaching only 66 per cent in compulsory education. In that regard, the Committee notes that, in its 2022 report, the European Commission against Racism and Intolerance (ECRI) also highlighted that the level of education among Roma people remains low compared to other EU countries and to the general population, and that the percentage of young Roma aged 18–24 years who have dropped out of school is very high, being estimated at 92 per cent (ECRI Report, paragraphs 83 to 103). ***The Committee asks the Government to strengthen its efforts to prevent and address stereotypes and discrimination against Roma people and promote equality of opportunity and treatment in education, training and employment, in both public and private sectors. It asks the Government to provide information on: (i) the measures and programmes implemented to that end, including within the framework of the National Strategy and Action Plan for Roma Social Inclusion for 2021–2030; (ii) any assessment made***

of the implementation of the Strategy and any recommendations made by the Advisory Committee regarding its implementation; and (iii) updated statistical data disaggregated by sex, on the labour market situation of Roma people.

2. *Migrant workers.* Referring to its previous comments regarding illegal employment and exploitative working conditions of migrant workers, the Committee notes the Government's statement that the labour inspectorate conducted targeted controls on demographic groups and economic sectors that are susceptible to labour exploitation (agriculture, construction, tourism and food), in cooperation with other governmental agencies. The Government adds that, in cases of illegal employment of third country nationals, a fine of €5,000 is imposed for each illegally employed worker, together with administrative sanctions for undeclared work amounting to €10,500. According to available statistical data, in 2021, 58 third country nationals were employed by 40 enterprises and, in 2022, 80 were employed by 55 enterprises. The Committee notes that, in its 2022 national report to the UN Committee on the Elimination of Racial Discrimination (CERD), the Government highlights that the agricultural sector is particularly difficult to monitor, especially in remote country areas, due, inter alia, to the increased participation of migrant land workers (CERD/C/GRC/23-24, 14 February 2022, paragraph 208). The Committee further notes the Government's indication that several measures have been taken to address trafficking in persons for labour exploitation purposes, including by amending the provisions of the Penal Code (Law No. 4619/2019) to introduce new forms of exploitation including servitude, slavery and similar practices (section 323A) and increase penalties. Furthermore, Law No. 4939/2022 guarantees to applicants for international protection and asylum seekers the right to effective access to the labour market (section 57). The Government adds that, in 2022 and 2023, the Reception and Identification Authority organized, in close cooperation with the UN High Commissioner for Refugees, employment events between beneficiaries of international protection and asylum seekers and local employers. The Committee further notes the Government's indication that information materials on the principle of equal treatment and the rights of seasonal workers have been made publicly accessible in various languages. Furthermore, in February 2022: (1) a Memorandum of Understanding on Migration and Mobility was signed with Bangladesh (Law No. 4959/2022) with the aim of defining the conditions of entry and temporary stay of Bangladeshi citizens for the purpose of seasonal employment, combating irregular migration and promoting returns; and (2) a Declaration of Intent on Migration and Mobility was signed with Pakistan, with the aim of promoting technical and operational discussions on the establishment of a common framework of understanding and cooperation in the fields of migration and mobility. Welcoming the steps taken by the Government, the Committee notes that the National Action Plan against Racism and Intolerance (NAPRI) for 2020–2023 sets, as a specific objective, to effectively tackle racism and intolerance, racist violence and discrimination on the grounds of race, colour, nationality or ethnic origin, in particular through the promotion of diversity with a focus on combating stereotypes. Observing that the National Action Plan ended in 2023, the Committee notes with ***regret*** that no information has been made available on the evaluation of its implementation by the National Council against Racism and Intolerance. It further notes that, in its 2024 concluding observations, the CEDAW noted with concern that undocumented migrant women are still exposed to a high risk of sexual exploitation, forced labour and recruitment, including by human trafficking networks (CEDAW/C/GRC/CO/8-9, 20 February 2024, paragraph 43). ***The Committee asks the Government to continue its efforts to address effectively any cases of discrimination against men and women migrant workers in employment, particularly with regard to labour exploitation in the agriculture, construction, tourism and food sectors. It asks the Government to provide information on: (i) the specific steps taken or envisaged to foster equality of opportunity and treatment in employment and occupation, irrespective of race, colour or national extraction, as well as on their impact; (ii) the number and nature of any complaints or cases of discrimination against migrant workers dealt with by the labour inspectorate, the Ombudsperson or the courts, the sanctions imposed and remedies granted (including remedies regarding wages and social security benefits not fully paid to migrant***

workers); and (iii) statistical data, disaggregated by sex and national extraction, on the participation of men and women migrant workers in the labour market.

The Committee is raising other matters in a request addressed directly to the Government.

Guinea

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1960)

Previous comment

Article 1(1)(a) of the Convention. Anti-discrimination legislation. Further to its previous comment, the Committee notes that, in its report, the Government indicates that: (1) section 5 of Act No. L/2019/0027/AN establishing the general statute governing state officials, adopted on 7 June 2019 following the revision of Act No. L/2001/028/AN establishing the general statute governing public servants, provides for equality of opportunity and treatment in the recruitment of public servants; (2) the general statute governing state officials is in the process of being revised; (3) in 2024, a certain number of practical measures were taken to promote equality of opportunity in competition processes; and (4) in practice, there is a complaint mechanism that enables candidates to file an appeal if they consider that they have been subject to discrimination in relation to a competition process. ***While acknowledging the particularly difficult situation prevailing in the country, the Committee expresses the firm hope that, as indicated by the Government, at the end of the revision process currently underway, the new general statute governing state officials will prohibit, in the public service, all forms of direct or indirect discrimination, in employment and occupation, on at least all the grounds listed in Article 1(1)(a) of the Convention. The Committee requests the Government to proceed without delay with the adoption of this new statute and to provide information on any progress made in this regard. The Committee also requests the Government to provide information on the complaint mechanism mentioned in its report and on the number of appeals filed alleging acts of discrimination in relation to a competition process, and to specify the outcome of these appeals and any compensation awarded.***

Furthermore, noting with ***interest*** that a Bill issuing the revised Labour Code is also in the process of being adopted, the Committee welcomes: (1) draft section 8 prohibiting all forms of discrimination; (2) draft section 3 defining discrimination as "any direct or indirect distinction, exclusion or preference" based on a list of grounds that includes, at least, but is not limited to, the seven grounds of discrimination listed in *Article 1(1)(a)* of the Convention, and "which has the effect of restricting or impairing equality of opportunity or treatment in employment, training, promotion, retention of employment, or the terms and conditions of employment"; (3) the plan to include, in section 3, a definition of direct and indirect discrimination; and (4) draft section 4, which, by establishing that "the State must ensure equality of opportunity and treatment for citizens with respect to employment, training, promotion, retention of employment and the terms and conditions of employment, without discrimination of any kind" and by not redefining discrimination (which, as indicated above, is defined in section 3), will eliminate the current inconsistency between sections 3 and 5 of the Labour Code. Nevertheless, the Committee observes that, unlike the current version of the Labour Code, the Bill does not refer to discrimination in recruitment despite the fact that the Convention expressly addresses gaining access to employment, which, in the private sector, includes equal access to, and equal treatment by, placement services (and other measures promoting employment), non-discrimination and equal opportunities in selection and recruitment processes (see the 2012 General Survey on the fundamental Conventions, paragraph 753). ***The Committee requests the Government to take the necessary measures to ensure that the draft revised Labour Code includes all aspects of employment and occupation, including access to employment, and to provide information on any progress made in this regard.***

Discrimination on the basis of sex. Sexual harassment. In reply to the previous Comment of the Committee, the Government indicates that: (1) information activities on discrimination on the basis of sex and sexual harassment will be organized for workers, employers and their respective organizations; (2) legislative measures are in the process of being adopted to enable the filing of complaints and the punishment of perpetrators of sexual harassment; and (3) the Bill issuing the revised Labour Code establishes that any employer or worker has the right to protection against harassment at work. In this regard, the Committee notes with ***interest*** the definition of sexual harassment contained in the Bill, that is, "any form of repeated or non-repeated verbal, non-verbal or corporal behaviour of a sexual nature which affects the dignity of women or men in the workplace with the real or apparent purpose of obtaining an act of a sexual nature, whether sought for the benefit of the perpetrator or for the benefit of a third party, or which has the effect of creating an intimidating, hostile or humiliating work environment for a person". The Committee also welcome the Government's indication that, with a view to strengthening the measures taken at the national level to put an end to harassment, the processes to ratify the Violence and Harassment Convention, 2019 (No. 190), is under way. ***The Committee requests the Government to: (i) take the necessary steps, without further delay, to organize the awareness-raising activities announced and to adopt the legislative provisions on complaints, penalties for perpetrators and acts of sexual harassment; and (ii) provide detailed information on any progress made in this regard. Noting with regret the absence of information on prevention activities by the labour inspectorate, the Committee once again requests the Government to take the necessary measures to reinforce these activities and to provide information on any measures taken in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Guinea-Bissau

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1977)

Previous comment

Article 1 of the Convention. Equal remuneration for men and women for work of equal value. Legislation. The Committee notes the information in the Government's report that section 12(d) of the new Labour Code, or Act No. 7/2022, provides for pay equity and equal pay for "all equal work of equal *value*" without any kind of discrimination. Women in particular should enjoy working conditions that are not inferior to those of men, and equal pay for work of equal value. In addition, it notes that section 168 of the Code stipulates that, in determining the wage level, the amount, nature and quality of the work must be taken into account, in respect of the principle of equal pay for work of equal *value*. The Committee notes that the wording of section 12(d) is not clear: it seems that the connector "and" is missing (for all equal work and work of equal value). In this regard, the Committee recalls that the Convention enshrines the principle of equal pay between men and women for work of equal *value*, a concept that is broader than the principle of "equal pay for equal work". The concept of equal "value" as set out in the Convention permits a broad scope of comparison, including "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, but which is nevertheless of equal *value*. This is crucial for the full application of the Convention as, in practice, men and women are often not engaged in the same jobs (see the 2012 General Survey on the fundamental Conventions, paragraphs 673, 675 and 698). With regard to the assessment factors set out in section 168 of the Labour Code to determine the value of jobs (the amount, nature and quality of the work), the Committee notes that: (1) they do not include the four basic factors generally set out to determine a non-sexist assessment method, namely qualifications, efforts, responsibilities and working conditions; and (2) the factors set out in section 168 are related rather to an assessment of the performance of an individual worker. The Committee underlines that the "performance appraisal of the individual worker" and the "objective job evaluation" are two different exercises: in the context of an objective job evaluation, it is the job that is evaluated (the value of each of the tasks to be performed is weighed up) and not the way in which a worker

performs his or her tasks. The objective job evaluation ensures that wages are determined without gender bias (for example, without undervaluing skills considered to be "female" compared to those considered to be "male") (see the 2012 General Survey, paragraphs 696 and 700 to 703; and *Equal pay – An introductory guide*, page 30). ***The Committee urges the Government to: (i) clarify the wording of section 12(d) of the new Labour Code to give full effect to the principle of the Convention of equal pay between men and women for work of equal "value"; and (ii) ensure that the factors set out by section 168 to determine the value of jobs permits an assessment of the work on the basis of the tasks to be performed and not the worker's performance. The Committee requests the Government to keep it informed of any progress made in this regard and to communicate a copy of the new Public Servants Statute, the latest information on which was that it was awaiting promulgation.***

Article 2. Promotion of gender equality. Addressing the gender pay gap. The Committee notes the information provided by the Government on the situation of women in employment and occupation and refers to its comments under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), for further details. It notes that, according to the results of the Employment and Informal Sector Survey (2017–2018), the average hourly wage for employees was 2,178 CFA francs BCEAO, and significantly lower for women (1,410 CFA francs) than for men (2,487 CFA francs); and that the United Nations Sustainable Development Cooperation Framework for Guinea-Bissau 2022–2026 includes in its priorities to "support the mainstreaming of gender equality concerns in all actions, with a gender, age, and diversity perspective and a lifecycle approach through the promotion of full, meaningful and effective participation and representation of women", and their empowerment at all levels of economic and commercial activity. According to the framework, wage employment is largely a domain for men and mostly concentrated in the services sector in the capital. In addition, women's employment is generally concentrated in low-productivity jobs, with women often bearing the disproportionate burden of unpaid care work. ***While acknowledging the difficulties confronting the country, the Committee requests the Government to provide detailed information on the specific measures taken or envisaged to address the gender pay gap and its underlying causes, such as: (i) encouraging women's access to education and occupational training in jobs traditionally considered not to be for women; (ii) promoting women's access to a wider range of jobs with career prospects and higher pay; and (iii) raising awareness among the general public and the social partners of the principle of equal remuneration for men and women for work of equal value. The Committee requests the Government to indicate the impact of measures taken as part of the United Nations Sustainable Development Cooperation Framework for Guinea-Bissau 2022–2026 on the reduction of the pay gap between men and women.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1977)

Previous comment

Article 1 of the Convention. Legislative protection against discrimination. The Committee notes with ***interest*** that section 8.1(a) of the new Labour Code adopted on 30 June 2021 and promulgated in 2022 (Act No. 7/2022) now mentions colour and social origin as prohibited grounds of discrimination in employment and occupation. It also notes that this section specifies that protection against discrimination extends to all aspects of the employment cycle, namely access to employment and working conditions, including pay, promotion, and suspension or termination of the employment contract. The Committee notes with ***regret***, however, that the new Labour Code: (1) omits the grounds of national extraction and (2) does not formally prohibit direct and indirect discrimination. The Committee underscores that "national extraction" covers distinctions made on the basis of a person's place of birth, ancestry or foreign origin often experienced by ethnic minorities, indigenous and tribal peoples, migrant workers, including migrant domestic workers, Afro-descendants, national minorities

and Roma people, among others. See, in this regard, the Committee's general observation, adopted in 2018. In addition, it recalls that when legislation is adopted to give effect to the principle of the Convention, it should at least cover all the grounds of discrimination listed in *Article 1(1)(a)* of the Convention. The Committee recalls the definitions of direct and indirect discrimination it has previously provided: (1) direct discrimination occurs when less favourable treatment is explicitly or implicitly based on one or more prohibited grounds; while (2) indirect discrimination refers to apparently neutral situations, regulations, or practices which in fact result in unequal treatment of persons with certain characteristics. It occurs when the same condition, treatment or criterion is applied to everyone, but results in a disproportionately harsh impact on some persons on the basis of characteristics such as race, colour, sex or religion, and is not closely related to the inherent requirements of the job. For example, the exclusion from the minimum wage or from labour legislation of sectors or occupational categories in which women are in the majority could constitute indirect discrimination against women. And, for example, in recruitment, the requirement of a minimum height of more than 1.70 metres would, in practice, significantly exclude women as we know that 70 per cent of women are below this height *(Article 1(2)* of the Convention does, however, provide for exceptions where it is proven that such a requirement is objectively justified based on the job in question). The notion of indirect discrimination is therefore essential for identifying situations in which certain treatment is applied in the same way to everyone, but which results in discrimination against a particular group protected by the Convention (women, ethnic or religious groups, people from a certain social origin), particularly as this form of discrimination is more subtle and less visible. ***The Committee requests the Government to take measures to ensure that: (i) the grounds of national extraction are inserted into the Labour Code when the Code is next reviewed; and (ii) labour legislation expressly prohibits direct and indirect discrimination on the basis of at least all the grounds listed in Article 1(1)(a) of the Convention. It also requests the Government to provide information on the measures taken to raise awareness among workers, employers and their respective organizations, as well as law enforcement agents, of the new provisions of the Labour Code against discrimination.***

Domestic workers. With regard to domestic workers, previously excluded from the scope of application of the Labour Code, the Committee notes that the new Labour Code now contains provisions on domestic work in sections 287 to 300, covering the minimum age for admission to employment, types of contracts, terms for payment, working hours, leave, occupational safety and health, termination of the employment contract, and so forth. However, section 21.1(a) of the new Code also stipulates that the domestic work contract is also subject to a special regime, without prejudice to the application of the general provisions of the Labour Code that are not incompatible with this regime. ***The Committee therefore requests the Government to provide a copy of the text specifically governing domestic workers and to indicate precisely the manner in which this dual system operates in practice in order to ensure that domestic workers are effectively protected against discrimination in employment and occupation.***

Article 1(1)(b). Additional grounds of discrimination. The Committee notes with ***interest*** that new prohibited grounds of discrimination in employment and occupation have been introduced into the new Labour Code, namely, culture and disability (physical, mental or sensory). ***While welcoming this legislative progress, the Committee requests the Government to: (i) clarify exactly what is understood as discrimination on the basis of culture in the Labour Code; (ii) take specific measures to inform workers, employers and their respective organizations, as well as administrations, labour inspectors and magistrates, of these new grounds of discrimination; and (iii) provide information on the measures adopted to this end and on any complaints relating to the application of the above-mentioned Act and, where relevant, on any administrative or judicial decisions.***

Articles 2 and 3. Equality of opportunity and treatment for men and women. The Committee notes that, according to the report of the National Statistics Institute (INE) on gender statistics of 2023, entitled *Women and Men in Guinea-Bissau*, available on the INE website, the quota of 36 per cent set by Act

No. 4/2018 on gender parity has not been reached. Thus, women's representation in Parliament between 2019 and 2022 was 14 per cent (out of 102 deputies); and was 21.9 per cent in the Government (of the 32 portfolios, seven were held by women) as at 30 November 2023. With regard to the "Terra Ranka" Strategic and Operational Plan 2015–2020, the Committee notes that it has been updated by the "Hora Tchiga" National Development Plan 2020–2023, the main pillars of which were the reduction of poverty, insecurity and illiteracy, with a special focus on vulnerable population groups, including women. It also notes that in its first voluntary national review in 2022 on the implementation of the report on the Sustainable Development Goals, the Government indicates that: (1) discrimination against women is attributed to cultural and traditional barriers, as well as to structural problems, making them one of the most vulnerable groups; (2) women do not enjoy the same rights and opportunities as men, which is reflected in unequal access to basic social services, unequal property ownership rights, persistent gender gaps in the labour market and gender disparities in public administration and decision-making (the public sector employs around three times as many men as women); and (3) inequalities can also be attributed to the failure to apply fair laws in favour of women. According to the African Development Bank's 2023 country report on Guinea-Bissau, the property law safeguards the rights of men and women to access land without discrimination. However, in practice, women in rural areas are penalized by the application of customary law, which denies them the right to own or inherit land. In this regard, the Committee notes that the United Nations Sustainable Development Cooperation Framework for Guinea-Bissau 2022–2026 includes in its priorities to "support the mainstreaming of gender equality concerns in all actions, with a gender, age, and diversity perspective and a lifecycle approach through the promotion of full, meaningful and effective participation and representation of women", and their empowerment at all levels of economic and commercial activity. Regarding education and training, the Committee notes the Government's general information that significant results were achieved through the implementation of a certain number of measures aimed at improving girls' school enrolment, particularly in rural areas, including by setting up school canteens and education programmes. It also indicates that a study aimed at collecting data from all vocational training centres is being carried out. The Committee notes with ***interest*** the adoption in February 2022 of the National Strategic Plan for Inclusive Education 2022–2028, aimed at eliminating gender disparities in education by 2023 and guaranteeing equal access to all levels of education and occupational training for the most vulnerable. The Committee notes the detailed information provided on the obstacles to women's access to employment and to goods and services necessary to carry out an activity – access to land, credit and resources – especially in a country where the majority of the working population lives in rural areas and whose income therefore comes from non-wage work. ***Given the persistence of gender stereotypes, which determine the roles and responsibilities of women and men in all areas of life and particularly in employment, the Committee requests the Government to take effective, proactive measures to improve equality of opportunity and treatment between men and women in all aspects of employment and occupation, such as: (i) promoting women's entrepreneurship, their access to vocational training, the formal economy labour market, land and credit; and (ii) improving the rate of girls' school attendance to reduce their early school dropout. It also requests the Government to: (i) provide information on the progress made in this regard, particularly following the implementation of the Second National Policy for the Promotion of Gender Equality and Equity and its 2016–2025 Action Plan, the United Nations Sustainable Development Cooperation Framework for Guinea-Bissau 2022–2026 and the National Strategic Plan for Inclusive Education 2022–2028; (ii) provide information on whether it envisages updating the "Hora Tchiga" National Development Plan 2020–2023; and (iii) organize public awareness-raising activities to tackle the exclusion and discrimination resulting from prejudices and stereotypes relating to the skills and aspirations of certain groups in society, including women, and also better inform social partners of the policy and legislative framework on which the principles of equality and non-discrimination are based.***

Article 5. Restrictions on the employment of women. Prohibition of night work by women. The Committee notes that, following its request to amend sections 155(4) and 160 of the previous Labour Code, which prohibited women from being employed in hazardous occupations or from night work, new section 359 of the Labour Code focuses on maternity protection. This section sets out that during pregnancy and after their return to work, women must work in conditions that are not harmful to pregnancy or to nursing mothers and that they must not work overtime, perform night work or be moved from their usual place of work. ***Instead of strictly prohibiting pregnant or nursing women workers from night work as a maternity protection measure, the Committee encourages the Government to envisage, in consultation with the representative workers' and employers' organizations (and the view of the works doctor), alternative working arrangements, to thereby ensure that this protection measure does not, in practice, become an obstacle to equal access to employment for women. It requests the Government to provide information on any measures taken to this end.***

The Committee is raising other matters in a request addressed directly to the Government.

Guyana

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1975)

Previous comment

Articles 1(b) and 2 of the Convention. Equal remuneration for men and women for work of equal "value". Legislation. The Committee recalls that section 2(3) of the Equal Rights Act No. 19 of 1990 provides for equal remuneration for the "same work" or work of the "same nature", and that it requested the Government to bring this provision into conformity with the Convention and align it with the Prevention of Discrimination Act No. 26 of 1997 (section 9(1)). It also recalls the Government's indication, in its previous report, that it had constituted the Law Reform Commission and that both the Equal Rights Act, Cap. 38:01, and the Prevention of Discrimination Act, Cap. 99:08, were then under review. Therefore, the Committee ***regrets*** that the Government does not provide information on any progress made in this regard. ***The Committee urges the Government to give full legislative expression to the principle of equal remuneration for men and women for work of equal "value" and provide information on any progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1975)

Previous comment

Article 1(1)(a) of the Convention. Multiple discrimination, including discrimination based on race. Persons of African descent, in particular women. The Committee recalls that, considering the challenges faced in practice by persons of African descent (as mentioned by the Government itself in its national report to the Fourth World Conference on Women and Adoption of the Beijing Declaration and Platform for Action (1995)) – in particular women and girls – with respect to access to and advancement in education, and employment and occupation, it urged the Government to take concrete steps to ensure that they enjoy the protection of the Convention effectively. In its report, the Government indicates that, in addition to the legal framework in force and the enforcement mechanisms in place, over the period under review it conducted awareness-raising programmes for the police force on "gender, sexuality and human rights" and "stigma and discrimination", and the Caribbean Vulnerable Communities (CVC) hosted a workshop to help reduce stigma and discrimination against members of key population groups when accessing health services. As regards complaints, the Committee recalls that the Constitution provides for: (1) four rights commissions: the Ethnic Relations Commission, the Women and Gender Equality Commission, the Commission on the Rights of the Child and the Indigenous Peoples

Commission; (2) three service commissions (Judicial, Public and Police Service); (3) the Public Service Appellate Tribunal; and (4) the Ombudsman. They all receive complaints, investigate and can offer redress based on evidence provided. In that regard, the Committee notes that the Government pointed out a single judicial case related to discrimination. The Committee wishes to point out that: (1) for the purpose of achieving the objectives of the Convention, it is essential to acknowledge that no society is free from discrimination, continuous action is required to address it, and discrimination in employment and occupation is both universal and constantly evolving; (2) where no cases or complaints, or very few, are being lodged, this is likely to indicate a lack of an appropriate legal framework, lack of awareness of the remedies available, lack of confidence in or absence of practical access to procedures, lack of will by the authorities responsible for prosecution, or fear of reprisals. The lack of complaints or cases could also indicate that the system of recording violations is insufficiently developed (see the 2012 General Survey on the fundamental Conventions, paragraphs 322, 870–871); and (3) monitoring and enforcement of equality and anti-discrimination laws and policies is an important aspect in determining if there is effective implementation of the Convention. ***Consequently, the Committee urges the Government to take steps: (i) to carry out awareness-raising activities for workers and employers and their organizations, labour inspectors, judges and the general public, in order to combat the multiple forms of discrimination in employment and occupation faced by persons of African descent, in particular women and girls; (ii) to enhance the capacity of the competent authorities, including judges, labour inspectors and other public officials, to identify and address cases of discrimination and to secure compliance with the provisions of the applicable labour law; (iii) to examine whether the applicable substantive and procedural provisions allow claims to be brought successfully in practice; (iv) to ensure that vulnerable groups and victims of discrimination based on race, colour, national extraction or social origin, in particular women of African descent, have access to legal assistance; (v) to promote the development of workplace policies or race relations awareness training sessions to prevent racial and ethnic harassment; and (vi) to provide information on any court or administrative decisions regarding discrimination based on race, colour, national extraction, social origin and gender.***

The Committee is raising other matters in a request addressed directly to the Government.

Honduras

Equal Remuneration Convention, 1951 (No. 100)
(ratification: 1956)

Previous comment

Articles 1 and 2 of the Convention. Gender pay gap. Statistics. The Government indicates in its report that, despite an increase between 2021 and 2022 in the average income of men by 22.1 per cent and 11.9 per cent for women, in comparative terms the average income of women continued to be higher in 2022 (7,859 Honduran lempiras, equivalent to approximately US$318) that than of men (7,480 lempiras, equivalent to approximately US$302). This may be attributed to the fact that, according to the data used by the Government for the preparation of the Labour Market and Wage Report, women have higher educational levels and are engaged in jobs in urban areas. According to the annual report Labour Market Equity and the Wage Gap 2021–22, published by the Secretariat for Labour and Social Security: (1) the data shows a labour market participation rate of 48.7 per cent for women compared with 74.3 per cent for men in 2021, which shows that women are less likely than men to enter the labour market, and when they are in the labour market, they are more likely to be in informal, vulnerable and worse paid jobs; (2) women held 60 per cent of jobs in the public sector and 30 per cent in the private sector; and (3) the gender wage gap is negative in the public sector, which means that women are earning more than men, with the exception of rural areas and the private sector. ***The Committee welcomes the efforts made by the Government to compile and analyse statistical data on the gender pay gap and requests it to continue its efforts to study and address the underlying causes of: (i) the***

lower labour market participation rate of women (in the private sector); and (ii) the existing pay gaps (such as vertical and horizontal occupational segregation) (in this regard, the Committee refers to its 2012 General Survey on the fundamental Conventions, paragraph 712); and (iii) the educational level and occupational skills of men and women, and to provide detailed information on the specific measures adopted and the progress achieved in this regard.

Article 1(b). Work of equal value. Legislation. The Committee recalls that section 367 of the Labour Code and section 44 of the Equal Opportunities for Women Act (LIOM), as well as Decree No. 27-2015 of 7 April 2015 (which prohibits the setting of different remuneration for the same category of salaried work based on whether the worker is a man or a woman), do not ensure the application of the principle of equal remuneration for work of equal value. The Committee observes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) recommended the effective enforcement of the principle of equal pay for work of equal "value" in order to narrow and eventually close the gender pay gap (CEDAW/C/HND/CO/9, paragraph 37(c)). ***The Committee requests the Government to take the necessary measures to ensure that the legislation duly reflects the principle of equal remuneration for men and women for work of equal "value" and to provide information on the progress achieved in this respect, in consultation with the social partners.***

The Committee is raising other matters in a request addressed directly to the Government.

Hungary

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1961)

Previous comment

Article 1 of the Convention. Discrimination in employment and occupation. Legislation. The Committee notes from the Government's report that: (1) the basis for developing the Equal Treatment Act 2003 was to ensure that provisions for equal treatment and promotion of equal opportunities, including in employment and occupation, be contained in a stand-alone Act; (2) the grounds of *race*, *colour, sex*, *religion, political opinion* and *social origin* are contained in Article 7, paragraph (1) of the Equal Treatment Act, in harmony with *Article 1(1)(a)* of the Convention; (3) two court cases considered the application of the Equal Treatment Act 2003 in their decision-making process; however, the Government does not specify whether the rulings addressed any specific grounds of discrimination or imposed sanctions based on those grounds and if they related to employment or occupation; and (4) several cases from the Equal Treatment Authority (ETA) were provided, including decisions addressing discrimination based on sex, such as pregnancy and maternity. The Committee wishes to recall that where legal provisions are adopted to give effect to the principle of the Convention, they should include at least all the grounds of discrimination specified in *Article 1(1)(a)* of the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 853) and that the ground of national extraction is missing from the list mentioned above. The concept of national extraction covers distinctions made on the basis of a person's place of birth, ancestry or foreign origin. Discrimination based on national extraction may be directed against persons who are nationals of the country in question, but who have acquired their citizenship by naturalization or who are descendants of foreign immigrants, or persons belonging to groups of different national extraction living in the same State (see 2012 General Survey, paragraph 764). The Committee notes that the scope of the Equal Treatment Act is general and extends to several sectors, including employment. In this regard, it wishes to recall that the principal objective of the Convention is to eliminate all discrimination, as defined in the instrument, concerning all aspects of employment and occupation, which include access to vocational training, access to employment and particular occupations, and terms and conditions of employment. ***The Committee requests the Government: (i) to include "national extraction" as a prohibited ground for discrimination in its***

legislation to ensure that all grounds listed in Article 1(1)(a) of the Convention are considered; (ii) to indicate if "all" aspects of employment and occupation are protected against discrimination; and (iii) to provide information on court case decisions involving discrimination in employment and occupation based on the grounds of discrimination prohibited under the Convention.

Article 1(1)(a). Sexual harassment. The Committee takes note of the Government's statement that the Hungarian labour safety authority does not investigate incidents of workplace violence and harassment. It also observes the lack of information provided on any assessment of the effectiveness of the existing complaint procedures or on any progress regarding the requested amendments to the Labour Code. The Committee wishes to recall in that regard the critical importance of implementing effective measures to prevent and prohibit sexual harassment at work, given its grave and serious repercussions (see 2012 General Survey, paragraph 789). ***Therefore, the Committee urges the Government to: (i) assess the effectiveness of the currently available complaint procedures; and (ii) introduce provisions that define and prohibit both quid pro quo and hostile environment sexual harassment in employment and occupation, establish sanctions and remedies and specify a distinct role for labour inspectors in that regard.***

Enforcement. Labour inspection. The Committee notes that the ETA merged with the Office of the Commissioner for Fundamental Rights of Hungary (OCFR) on 1 January 2021 and that a separate organizational unit, the Directorate General in Charge of Equal Treatment, will henceforth be the competent body responsible for dealing with equality issues. One of the objectives of this change, according to the Government, is to enhance the protection of fundamental rights, since the Commissioner is elected by a two-thirds majority in Parliament, whereas the ETA President was appointed by the President of the Republic. The Committee also notes with ***regret*** that the 2021 replacement of Act No. LXXV of 1996 on labour inspection by Government Decree No. 115/2021 (III.10) on the activity of the employment supervisory authority still does not extend the scope of labour inspection to the enforcement of equal treatment provisions. Additionally, the Committee observes that statistics on the number and nature of cases related to discrimination in the field of employment and occupation disclosed on the OCFR website have not been updated since 2012 and that no information on training programmes for labour inspectors or members of the ETA, now the Directorate General in charge of Equal Treatment, was provided. ***Recalling that labour inspectors have regular access to workplaces and workers and have a crucial role to address discrimination and promote equality in employment and occupation, the Committee urges the Government to provide them with adequate training to effectively prevent, detect and remedy cases of discrimination. It reiterates its requests to the Government to consider reviewing the labour inspectorate's competences extending them to cover the legislation addressing equal treatment in employment and occupation, and to provide information in this respect. The Committee also requests the Government to report on: (i) how the labour inspectorate, the Office of the Commissioner for Fundamental Rights of Hungary and the Directorate General in charge of Equal Treatment cooperate to raise public awareness and enforce the right to be free from discriminatory employment practices; and (ii) the number and nature of cases of discrimination in employment and occupation referred to the Office of the Commissioner for Fundamental Rights by the labour inspectorate, as well as the grounds of discrimination invoked and their outcome.***

The Committee is raising other matters in a request addressed directly to the Government.

Iceland

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1963)

Previous comment

Article 1(1)(a) of the Convention. Prohibited grounds of discrimination. Further to its previous comment, the Committee notes that Act No. 86/2018 on Equal Treatment on the Labour Market still does not cover all the grounds of discrimination listed in *Article 1(1)(a)* of the Convention, namely the grounds of colour, political opinion, national extraction and social origin. The Committee further notes that, in its report, the Government indicates that according to article 65 of the Constitution, "everyone shall be equal before the law and enjoy human rights irrespective of sex, religion, opinion, national origin, race, colour, property, birth or other status. Men and women shall enjoy equal rights in all respects". In this respect, the Committee recalls that general Constitutional provisions, while important, have generally not proven to be sufficient to address specific cases of discrimination in employment and occupation (see the 2012 General Survey on the fundamental Conventions, paragraph 851). ***The Committee once again asks the Government to take the necessary steps to amend Act No. 86/2018 with a view to ensuring that workers are protected, both in law and practice, from both direct and indirect discrimination on all the prohibited grounds of discrimination enumerated in Article 1(1)(a) of the Convention, including colour, political opinion, national extraction and social origin. The Committee asks the Government to provide information on any progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

India

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1958)

Previous comment

Article 1(a) of the Convention. Definition of remuneration. The Committee previously asked the Government to consider amending the definition of "wages" contained in section 2(y) of the Code on Wages, in order to allow for a broad definition, including any additional emoluments whatsoever, as provided for in *Article 1(a)* of the Convention. The Committee notes that in its report the Government refers to Chapter IV of the Code on Wages, which provides that the annual minimum bonus will be calculated at the rate of eight and one-third per cent of the wages earned by the employee irrespective of their gender (section 26(1)). The Government also recalls that the Code on Social Security provides that pensions and provident fund contribution (section 16) as well as the payment of gratuity (section 53) are based on the rate of wages drawn and does not discriminate between employees based on their gender. The Government therefore considers that the definition of "wages" taken together with the other provisions mentioned, which regulate other benefits, is broad enough to be in line with the Convention. The Committee takes note of the Government explanations. It however recalls that, according to the Convention, a broad definition of remuneration is necessary as additional components are often considerable, making up increasingly more of the overall earnings package. The definition also captures payments or benefits, whether received regularly or only occasionally. It furthermore recalls that remuneration under the Convention includes all allowances paid under social security schemes financed by the undertaking or industry concerned. Benefits, and in particular pensions, should not give rise to discrimination (see the 2012 General Survey on the fundamental Conventions, paragraphs 687 and 692). ***The Committee asks the Government to indicate how, in practice, it is ensured that the principle of the Convention covers also any additional emoluments whatsoever arising out of the worker's employment, notably the emoluments excluded by the definition of wages pursuant to section 2(y) of the Code on Wages, including bonuses beyond the annual minimum and***

pensions, including supplementary pensions, among others. Noting the Government's indication that the Code on Wages has not yet come into effect, the Committee also again urges the Government to consider amending the definition of wages in section 2(y) of the Code on Wages to take into account expressly any additional emoluments whatsoever, as provided for in Article 1(a) of the Convention, with a view also to ensuring greater clarity and legal certainty and enhancing access to justice in case of violations of the principle of the Convention.

Article 1(b). Equal remuneration for work of equal value. Legislation. The Committee recalls that since 2002 it has asked the Government to ensure that the principle of equal remuneration for men and women for work of equal value be fully reflected in the legislation. In its previous observation, it noted that the Code on Wages of 2019 prohibits "discrimination in an establishment or any unit thereof among employees on the ground of gender in matters relating to wages by the 'same' employer, in respect of the 'same work' or 'work of a similar nature' done by any employee" (section 3(1)), defining however the concept of "same work or work of a similar nature", in the same limited wording as previous legislation, that is to say as "work in respect of which the skill, effort, experience and responsibility required are the same, when performed under similar working conditions by employees and the difference if any, between the skill, effort, experience and responsibility required for employees of any gender, are not of practical importance in relation to the terms and conditions of employment" (section 2(v)). Whereas the Government considered this definition to be equivalent to the concept of "work of equal value" enshrined in the Convention, the Committee highlighted that this definition is more limited. The Committee notes that the Government reiterates that the definition in the Code of Wages is in line with the Convention and states that the Code on Wage has universalized the payment of a minimum rate of wage to all employees and that the introduction of the concept of "floor wage" will ensure for the first time a just, fair and equitable remuneration system for all genders. It stresses that "the principle of equal remuneration for men and women workers for work of equal value has been enshrined in all these provisions and other provisions of the Code." Concerning the Committee's request for information on the authority which is competent to handle disputes as to whether a work is of the same or a similar nature under section 4 of the Code on Wages, the Government informs that section 4 of the Code has not come into effect.

The Committee is bound to reiterate that the concept of "work of equal *value*" requires the comparison of works which may involve different types of skills, responsibilities or working conditions, but may nevertheless be of equal value overall. This is essential in order to eliminate pay discrimination resulting from the failure to recognize the value of work performed by women and men free from gender bias (see the 2012 General Survey, paragraphs 673–675). The Committee also again recalls that the Convention includes but does not limit application of the principle of equal remuneration for work of equal value to men and women "in the same workplace" and provides that this principle should be applied across different enterprises to allow for a much broader comparison to be made between jobs performed by women and men. The Convention thus calls for the reach of comparison between jobs performed by men and women to be as wide as possible in the context of the level at which wage policies, systems and structures are coordinated (2012 General Survey, paragraphs 697 and 698). Concerning the Government developments on the minimum wage determination, the Committee refers to its direct request. ***In light of the above, the Committee again urges the Government to take the necessary steps to ensure that: (i) the Code on Wages is amended to give full expression to the principle of equal remuneration for men and women for work of equal value as enshrined in the Convention; and (ii) it is not restricted to workers within the same workplace but applies across different enterprises and sectors. It also asks the Government to indicate the authority, which is competent to handle disputes under section 4, once they come into effect; and provide information on the application in practice of section 3 of the Code on Wages.***

Article 3. Objective job evaluation. The Committee notes the Government's information about various digital initiatives which however focus on job search and matching, rather than the objective

evaluation of jobs for the purpose of ensuring equal remuneration for work for equal value. In that regard, the Committee refers to its development above on what cannot be considered in determining rates of remuneration. ***Recalling that it has been raising this issue since 2012, and that Article 3 of the Convention presupposes the use of appropriate techniques to determine the value of jobs, the Committee urges the Government to take proactive steps, in cooperation with workers' and employers' organizations, to develop technical tools for the objective evaluation of jobs with a view to the effective application of the principle of the Convention and to provide information in this respect. The Committee reminds the Government of the possibility of availing itself of ILO technical assistance in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1960)

Previous comment

Article 1(1)(a) of the Convention. Discrimination based on sex. Sexual harassment. The Committee notes that the Government refers in its report to the development of a handbook and a training module to promote the effective implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 (hereinafter referred to as "the Act"). In addition, the Ministry of Women and Child Development (MWCD) has issued advisories to some state governments/union territories administrations, government ministries/departments and business associations/chambers of commerce to ensure the implementation of the Act. In 2018, the Ministry of Corporate Affairs, at the request of the MWCD, amended the Companies (Accounts) Rules, 2014 making mandatory the inclusion of a statement about compliance with the constitution of internal complaints committees under the Act in the Report of the Board of Directors. The Government also informs about the creation of an online complaint management system (the Sexual Harassment electronic–Box) for registering complaints related to sexual harassment of women at the workplace. Once a complaint is submitted to the portal it is directly sent to the complaints committee of the employer concerned. The Committee notes that, according to the MWCD Annual Report 2022–23, there were 287 cases of sexual harassment of women at the workplace in 2022. The Committee recalls that it previously noted that the Act authorizes the internal or complaints committee to recommend action against a woman or any other person for lodging a malicious or false complaint, or any witness for producing false evidence or forged documents (section 14(1) and (2)). It considered that, due to the specific circumstances in which sexual harassment occurs and the fact that many victims are hesitant to file a complaint for fear of reprisals, giving the same complaints committee to which an aggrieved woman can lodge a complaint the power to recommend to the employer or District Officer to take action against her may not create a conducive environment for filing complaints on sexual harassment and may prevent women from making such complaints. In that regard, the Committee notes that section 14 of the Act clarifies that the mere inability to substantiate a complaint or failure to provide adequate proof does not invite action and that there have been court cases when this section has been invoked, for example *Anita Suresh v. Union of India & Others*, WP(C) 5114/2015, where the High Court of Delhi dismissed a writ petition filed by the complainant and passed an order directing the petitioner/complainant to pay a fine of 50,000 Indian rupees for filing a false complaint and misusing the provisions of the Act; or *Union of India v. Reema Srinivasan Iyengar*, WP Nos 10689, 24290 and 4339 of 2019, where the High Court of Madras observed that '[t]hough the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is intended to have equal standing for women in the workplace and to have a cordial workplace in which their dignity and self-respect are protected, it cannot be allowed to be misused by women to harass someone with exaggerated or non-existent allegations". The Committee also notes from the 2021 study on Women's Rights in India by the National Human Rights Commission, that more than 90 per cent of women work in the informal economy where the Act is poorly implemented.

Noting the information above, the Committee urges the Government:

(i) to adopt measures to prevent sexual harassment at work occurring, particularly towards workers in the informal economy; provide information on the monitoring and follow-up of employers' compliance with their duties under the Act; on measures taken to facilitate access to justice, in particular for all informal economy workers and also the most geographically remote workers; and on the measures adopted to tackle barriers to access justice, including through strengthening protection of the confidentiality of proceedings and the privacy of all people involved;

(ii) to provide information on its ongoing activities to raise awareness among the general public, employers' and workers' organizations, including workers in the informal economy and self-employed workers, of the existing legal framework following the adoption of the Act;

(iii) to continue to provide information on the cases of sexual harassment dealt with by the competent bodies, including the local and internal complaint committees under the Act, specifying the nature of these cases and their outcome, notably the remedies provided and the penalties imposed (including cases where the petitioner/complainant was ordered to pay a fine for failure to provide adequate proof).

The Committee also reiterates its request to the Government to review the impact of section 14 of the Act (action against malicious or false complaints or false evidence) on the willingness of women and other persons to file complaints of sexual harassment without fear of reprisals. This should also include information on reprisals and efforts to prevent reprisals at workplaces employing fewer than ten employees and in agricultural workplaces.

Articles 1–3. Measures to address discrimination based on social origin. ***Regretting the absence of specific information in response to its previous observation, the Committee again asks the Government to:***

(i) undertake a comprehensive assessment of the progress made to date in addressing caste-based discrimination in employment and occupation;

(ii) identify the additional measures needed in order to advance equality of opportunity and treatment for all men and women, irrespective of social origin, and to provide information in this respect. This information should include the results of any study conducted by the National Commission for Scheduled Castes with regard to education, training, employment and occupation;

(iii) step up its efforts to raise public awareness of the prohibition of caste-based discrimination and to provide information on the specific measures taken to this end, including steps taken in cooperation with the social partners;

(iv) provide information on the affirmative action measures adopted in the private sector to combat caste-based discrimination and to promote equality of opportunity and treatment, irrespective of social origin, and on their impact.

Noting the Government's indication that a Commission has been established to study the possibility of granting scheduled caste status to Dalit Muslims and Dalit Christians, the Committee asks the Government to provide information on any developments in this respect.

Manual scavengers. Referring to its previous observation on the application of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 (MS Act 2013), the Committee notes the information provided by the Government in its report concerning the range of rehabilitation benefits provided under the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) and the number of beneficiaries. The Government also informs that all 58,098 eligible manual scavengers identified in the surveys conducted at the initiative of the Ministry of Social Justice and

Empowerment during 2013 and 2018 have received the One-time Cash Assistance under the SRMS. Furthermore, the Government provides information about the initiatives undertaken to avoid hazardous cleaning of sewers and septic tanks, including the elaboration of a new scheme called the "National Action for Mechanised Sanitation Ecosystem" (NAMASTE). The aims of NAMASTE include the formalization and rehabilitation of manual scavengers and persons engaged in hazardous cleaning of sewers and septic tanks and the promotion of safe and mechanized cleaning of sewers and septic tanks by trained and certified sanitation workers. The Committee also notes the Government's indication that, after receiving reports from the social institutions working in this field about the existence of insanitary latrines, the Ministry of Social Justice and Empowerment launched a mobile application, "Swachhata Abhiyaan" in 2020 to capture the data of insanitary latrines still existing and manual scavengers, if any, associated with them. Whereas 6,000 cases have been uploaded on the application, not a single insanitary latrine has been confirmed so far. Regarding the Committee's request for information on the impact of the National Safai Karamcharis Finance and Development Corporation scheme for the rehabilitation of manual scavengers who ended this activity before the entry into force of the MS Act 2013, the Government refers to the existence of 12 success stories, without providing further details.

On the other hand, the Committee notes, from the follow-up report on the visit to India of the United Nations Special Rapporteur on the human rights to safe drinking water and sanitation, that there is insufficient regulation and surveillance of pit emptying. The Special Rapporteur also expressed his concerns that the disparity in data reported by local officials – who are required to carry out surveys of manual scavengers in areas under their jurisdiction under the MS Act, 2013 – and those captured in the National Survey could reveal a lack of political will or of resources for addressing manual scavenging on the ground and in practice (A/HRC/45/10/Add.2, 2 September 2020, paragraphs 44 and 45). ***The Committee requests the Government to step up its efforts to monitor the application of the MS Act 2013 and provide information on the measures taken to this end and their results, including the follow-up measures envisaged to bridge any gaps identified in the application of this Act. Please also include information on the results of the surveys on manual scavengers conducted under the Act. In addition, the Committee reiterates its request for information on:***

(i) the number and nature of offences registered, investigations and prosecutions instigated and penalties imposed on private and public bodies under the Act;

(ii) results of the assessments made concerning the actions taken so far by the states/union territories and to supply the results of the survey on manual scavengers in statutory towns where already completed.

The Committee furthermore asks the Government to continue to provide information on the rehabilitation measures provided for under the Act and their impact as well as information on the implementation of the NAMASTE scheme and its impact on promoting equality of opportunity and treatment in employment and occupation irrespective of social origin.

Equality of opportunity and treatment between women and men. The Committee notes the Government's indication, based on data from the Annual Periodic Labour Force Survey reports, that the estimated labour force participation rate for women aged 15 and above shows a growing trend, having increased from 30 per cent in 2019– 20 to 32.8 per cent in 2021–22. It also notes from the ILO Database of Labour Statistics (ILOSTAT) that, in 2023, the female labour force participation rate was 35.1 per cent. The government also informs about legislative developments introduced with the adoption of the Code on Wages, 2019, the Industrial Relations Code, 2020, the Occupational Safety, Health and Working Conditions Code, 2020 and the Code on Social Security, 2020 to promote women's employment, including the extension of paid maternity leave from 12 weeks to 26 weeks and the provision for mandatory crèche facilities in establishments having 50 or more employees, among others. Moreover, the Ministry of Skill Development and Entrepreneurship (MSDE) has taken various initiatives directed at promoting women's entrepreneurship. The Committee also notes information about training offered to

women through a network of Women Industrial Training institutes, National Vocational Training Institutes and Regional Vocational Training Institutes and other measures to promote women's labour participation through a variety of schemes, including the Mahatma Gandhi National Rural Employment Guarantee Scheme which reserves one third of the jobs generated under the scheme for women. In addition, the Ministry of Women and Child Development (MWCD) has adopted various measures for the empowerment of women and girls, including measures promoting access to health and education, providing support to women facing violence or in distress, and bringing about behavioural change in the society. Concerning the results achieved through all the measures adopted, the Government refers to findings from the National Family Health Survey – 5 (NFHS5) 2019–2021 which revealed, among others, that: (1) over 78.6 per cent of women owned bank accounts that they themselves used, which represented an improvement of 25 per cent over the past 5 years; (2) 43 per cent of women owned either a house or land alone or jointly compared to 38 per cent five years earlier; (3) 1 out of 5 non-farm businesses were headed and led by women; and (4) 88.7 per cent of women participated in major household decisions.

On the other hand, the Committee notes that the Decent Work Country Programme (2023–2027) identified the low female labour force participation rate as one of the challenges that needs to be addressed. The Committee also notes the findings of the 2021 study on Women's Rights in India by the National Human Rights Commission, including among many others, the following: (1) the unavailability of adequate and quality crèches discourages women from joining workplaces; (2) despite parity in primary school enrolment, the drop-out rate and gender gap for girls' education is higher, especially in rural areas; (3) there is a lower proportion of girls/women students in technical education/professional programmes especially where the cost of education is higher; (4) nearly 94 per cent of women workers are in the informal sector, for example in brick kilns, construction and agricultural work; as such, they do not benefit from the legislation on labour welfare or from the support of social workers; (5) women workers are recruited as part of a pair or family units, especially in brick kilns and the sugarcane industry; the practice of paying wages to the head of the family at piece rates, without ensuring any independent wage for the women who participate in the labour of production, remains unchecked despite legal provisions; and (6) it is a prevalent practice in private sector organizations to terminate the employment of pregnant women to avoid giving them maternity benefits.

The Committee requests the Government to conduct a comprehensive evaluation of the impact of the various measures taken in favour of women and girls to promote equality of opportunity and treatment in employment and occupation. This should include an assessment of efforts to address barriers hindering access to and participation in employment and occupation, to overcome occupational gender segregation in the formal and informal economy and to promote equality in the rural and private sectors. The Committee also requests the Government to provide information on: (i) the findings and any subsequent follow-up measures; (ii) the measures taken to address the recommendations arising out of the 2021 report of the National Human Rights Commission on Women's Rights in India; and (iii) updated statistical information on the participation of men and women in employment and occupation, according to sector and employment status, in order to monitor progress over time.

The Committee is raising other matters in a request addressed directly to the Government.

Indonesia

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1958)

Previous comment: observation

Previous comment: direct request

Article 1(a) of the Convention. Definition of remuneration. Legislation. The Committee recalls that Law No. 13/2003 concerning Manpower (Manpower Act) does not reflect fully the definition of "remuneration" under *Article 1(a)* of the Convention, since the term "wage" under section 1(30) of the Manpower Act does not include honorariums, tips or company profit shares. The Committee notes from the Government's report that non-wage income is regulated by Government Regulation No. 36/2021 concerning Wages and is subject to the non-discrimination principle enshrined in section 2 of the Regulation. The Committee notes in particular that, according to section 8 of the Regulation, non-wage income may encompass religious feast allowances; incentives; bonuses; reimbursement for work facilities; and/or service fees for certain businesses. The Committee reiterates that the principle of equal remuneration for men and women for work of equal value applies to all forms of remuneration, including religious holiday allowances, bonuses, monetary compensation for working facilities and/or service charges, as well as honorariums, tips and company profits. Therefore, for the purposes of *Article 1(a)* of the Convention, the term "remuneration" should be defined broadly and should include also any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment. ***The Committee asks the Government to amend Law No. 13/2003 (Manpower Act) so as to reflect fully the definition of remuneration under Article 1(a) of the Convention. In the meantime, it requests the Government, in collaboration with employers' and workers' organizations, to make an assessment and provide information on: (i) the application in practice of section 8 of Government Regulation No. 36/2021 concerning Wages, notably any cases of discrimination between men and women relating to the application of the principle of the Convention that have been brought to the attention of the enforcement authorities and/or have been addressed by these authorities; (ii) the extent to which the principle of the Convention is being applied in practice to all forms of remuneration, including the wage and salary and any additional emoluments, whatsoever, payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment; and (iii) the findings and recommendations arising out of this assessment.***

Articles 1(b) and 3. Equal remuneration for work of equal value. Legislation and application. The Committee recalls that for a number of years it has been encouraging the Government to give explicit legislative expression to the principle of equal remuneration for men and women for work of equal value. In particular, it has encouraged the Government to consider reviewing and amending Law No. 13/2003 concerning Manpower (Manpower Act), which only provides, in general terms, for equal opportunity (section 5) and equal treatment (section 6) without discrimination based on sex. It has also noted the obligation placed on companies to set up wage structures and scales applying to their employees and the provision of administrative sanctions in case of non-compliance, while observing that it remained unclear how the principle of the Convention applied in the design of the wage structure and scale. The Committee notes that the Government, in its report, informs about the adoption of the Government Regulation No. 36/2021 concerning Wages, which has replaced the earlier Regulation No. 78/2015 and has maintained the provision that "every worker shall have the right to the equal wage for the work of equal value" (article 2(3)). The Committee previously noted that this provision is formulated in general terms and does not address specifically non-discrimination between men and women. Concerning the application of the principle of equal remuneration for men and women for work of equal value in the design of wage structures and scales, the Government indicates that it has taken various measures to ensure it, such as promoting social dialogue and providing trainings and technical

guidance on the development of wage structures and scales, as well as conducting awareness-raising activities on wage structures and scales across all sectors, including the garment sector. The Government also refers to the collaboration with the Better Work programme (a collaboration between the ILO and the International Finance Corporation) to enhance working conditions in the export-oriented garment sector through improved compliance with national labour laws and international standards. The Committee notes that the Government does not provide information on how the above-mentioned measures specifically address the principle of the Convention. In addition, the Committee notes the information provided by the Government with regard to the measures taken to promote objective job evaluation methods. In particular, it notes the indication that under Regulation No. 34/2014, an objective evaluation method is designed for determining the value and job class of public sector workers' positions, based on the Factor Evaluation System (FES). The Committee furthermore notes the Government's indication that there have been no cases of wage-related discrimination and gender bias.

The Committee emphasizes that only prohibiting sex-based discrimination generally – including when covering discrimination in respect of wage – will not normally be sufficient to give effect to the Convention, as it does not capture the concept of "work of equal value". The Committee also recalls that "value", in the context of the Convention, refers to the worth of a job for the purpose of fixing remuneration. While *Article 1* refers to rates of remuneration established without discrimination based on sex, clearly excluding any consideration related to the sex of the worker in determining value, *Article 3* presupposes the use of appropriate techniques for objective job evaluation to determine value, comparing factors such as skill, effort, responsibilities and working conditions. Comparing the relative value of jobs in occupations which may involve different types of skills, effort, responsibilities or working conditions, but which are nevertheless of equal value overall, is essential in order to eliminate pay discrimination resulting from the failure to recognize the value of work performed by women and men free from gender bias (see the 2012 General Survey on the fundamental Conventions, paragraphs 674 and 675). ***In light of the above, the Committee again encourages the Government to take the necessary steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value at the earliest opportunity, and to provide information on the progress made in this regard. It also asks the Government to provide information on: (i) how the measures reported concerning social dialogue, trainings, awareness-raising and technical guidance on the development of wage structures and scales cover the principle of the Convention and foster its application in practice; (ii) how objective job evaluation methods, including the Factor Evaluation System, are used in the design of wage structures and scales; (iii) the progress made in implementing objective job evaluation methods in the public and private sectors, including through an evaluation of the current situation undertaken in collaboration with the social partners; (iv) any specific measures adopted to raise awareness about the principle of the Convention among government officials, employers and workers and their organizations and to enhance the capacity of enforcement authorities, including labour inspectors, tribunals and other competent bodies, as well as workers' and employers' organizations, to identify and address cases of gender wage discrimination; and (v) the nature and number of cases concerning violations of the principle of the Convention detected by or reported to the labour inspectorate, or addressed by the courts, and any measures taken to collect and disseminate information on cases concerning wage discrimination to the wider public as a means of raising awareness on the principle of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1999)

Previous comment

The Committee notes the observations submitted by the Indonesian Union of Plantation Workers (SERBUNDO) and transmitted to the Government on 21 November 2024. ***The Committee requests the Government to provide its comments in this respect.***

Articles 2 and 3 of the Convention. National equality policy with respect to race, colour and national extraction. Implementation and results achieved. Referring to its previous comments, the Committee recalls that Regulation of the Ministry of Manpower and Transmigration No. PER-16/XI/2011 provides for a mechanism for government authorities to examine compliance with labour legislation when approving company regulations and collective labour agreements. In this regard, it notes the Government's indication, in its report, that cases of company regulations and collective labour agreements that violate Articles 5 and 6 of the Manpower Law concerning discrimination are almost non-existent and in the event of violation, the actors concerned are asked to rectify the documents. Regarding the application of Law No. 40 of 2008 concerning the elimination of racial and ethnic discrimination in employment and occupation, the Government does not provide information. The Committee emphasizes the importance of regular monitoring and periodic evaluations of the measures taken to promote equality of opportunity and treatment irrespective of race, colour and national extraction in accordance with the Convention. It also recalls that data and qualitative research on the nature and extent of labour inequalities, including the underlying causes, are crucial to determine the nature, extent and causes of discrimination, design and implement a relevant and effective national equality policy under *Articles 2* and *3* of the Convention, and monitor and evaluate its results. In this regard, the Committee refers the Government to its 2018 general observation on discrimination based on race, colour and national extraction. The Committee considers that it is necessary to adopt a comprehensive and coordinated approach to tackling the obstacles and barriers faced by persons in employment and occupation because of their race, colour or national extraction, and to promote equality of opportunity and treatment for all. Such an approach should include the adoption of interlocking measures aimed at addressing gaps in education, training and skills, providing unbiased vocational guidance, recognizing and validating the qualifications obtained abroad, and valuing and recognizing traditional knowledge and skills that may be relevant both to accessing and advancing in employment and to engaging in an occupation, as well as addressing unsecure land tenure and biased approaches towards the traditional occupations engaged in by certain ethnic groups. The Committee also recalls that, in order to be effective, these measures must include concrete steps, such as laws, policies, programmes, mechanisms and participatory processes, and remedies. However, the Committee notes with ***regret*** the reiterated absence of information by the Government regarding the application of Law No. 40 of 2008 concerning the elimination of racial and ethnic discrimination in employment and occupation as well as of any other relevant information that would allow the Committee to assess the progress made by the Government in implementing its obligation under the Convention to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation irrespective of race, colour and national extraction, in particular for the various ethnic groups in the country, including indigenous peoples *(adat/customary law communities, or masyarakat hukum adat).* ***In view of the above, the Committee asks the Government to undertake an assessment, in collaboration with the social partners and interested groups, of the measures adopted so far to promote equality of opportunity and treatment irrespective of race, colour and national extraction in employment and occupation, including the measures adopted under Law No. 40 of 2008, and to provide information on the results achieved, the obstacles and gaps identified and any follow-up action envisaged and implemented. The Committee also requests the Government to provide information on the number and nature of violations found by the labour inspectorate or***

other enforcement authorities, as well as decisions handed down by the courts involving discrimination in employment and occupation based on the grounds of race, colour and/or national extraction, and the remedies granted.

The Committee is raising other matters in a request addressed directly to the Government.

Islamic Republic of Iran

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1972)

Previous comment

Article 1(b) of the Convention. Equal remuneration for work of equal value. Legislation. The Committee recalls that, since 2007, it has noted that section 38 of the Labour Code remains narrower than the principle established by the Convention, as it provides for equal remuneration between men and women only for equal work under equal conditions. The Committee further notes that the Government has repeatedly indicated ongoing revisions to the Labour Code to align this section with the Convention's principle. Additionally, the Committee observes that, despite its request to modify section 27 of the 1994 Regulations on Recruitment of Human Resources, Insurance, and Social Security in Free Trade-Industrial Zones – which currently stipulates that "for doing similar work in similar conditions in a workshop, male and female workers should be paid equally" – the Government has yet to provide information on any legal amendments. ***The Committee strongly urges the Government to incorporate the principle of equal remuneration for work of equal "value" for both men and women in its legislation. It further requests that the Government ensure this principle applies broadly to men and women in employment, aligning with wage-setting practices, rather than limiting its application solely within individual workplaces.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1964)

Previous comment

The Committee notes the observations of the International Trade Union Confederation (ITUC) received on 27 September 2023 and 17 September 2024. These observations allege discrimination on the grounds of sex and political opinion, the violent repression of protesters and women's rights activists and the systematic state repression of dissident opinion. The Committee notes the Government's reply thereto.

Article 1(1)(a) and (3) of the Convention. Protection against discrimination in employment and occupation. Legislation. Grounds and scope of application. In its report, the Government stresses again that: (1) discrimination is prohibited under the Constitutional Law (sections 43(4), 2(6), 19, 20 and 28) and national legislation, including under section 6 of the Labour Law, which, among others, ensures equal rights for all Iranians, regardless of gender, in freely chosen employment as long as it aligns with Islam and public interests; and (2) that legal protections against discrimination are provided to all workers, and equal treatment for Iranian and non-Iranian workers is outlined in the Labour Procedure Code and Labour Law, in particular under section 157. In that regard, the Committee wishes to recall that section 6 of the Labour Law does not explicitly include religion, political opinion and social origin as prohibited grounds of discrimination, nor cover all aspects of employment and occupation, including recruitment. ***The Committee requests the Government to provide information on measures taken or envisaged to ensure comprehensive protection in law and practice for all workers against direct and indirect discrimination based on all the grounds listed in Article 1(1)(a) of the Convention, in particular protection against discrimination based on religion, political opinion and social origin, encompassing all aspects of employment and occupation, such as access to vocational training and education. The***

Committee also requests the Government to provide details regarding specific actions implemented in this regard and their outcomes.

Discrimination based on sex. Legislation. In its observations, the ITUC expresses concern about the increasing influence of the "morality police" and their enforcement of the mandatory hijab law to harass women and prevent their access to education. In this regard, it notes that a "Bill to Support the Family by Promoting the Culture of Chastity and Hijab" (Chastity and Hijab bill) was submitted to Parliament by the Government and the judiciary on 21 May 2023. The new draft law, still under review in the Parliament, seeks to impose a series of new punishments on women and girls who fail to wear the headscarf (hijab). By using terms such as "nudity, lack of chastity, lack of hijab, bad dressing and acts against public decency leading to disturbance of peace", the draft law seeks to authorize public institutions to deny essential services and opportunities to women and girls who fail to comply with compulsory veiling. Directors and managers of organizations who fail to implement the law could also be punished. Since it was tabled for discussion, the bill was amended several times, with the latest draft significantly increasing the number of punishments for non-compliance. On 13 August 2023, Parliament voted in favour of invoking article 85 of the Constitution which allows a parliamentary committee to review legislation without public debate. The ITUC submits that the draft law is inherently discriminatory and blatantly violates fundamental rights, including the right to take part in cultural life, the prohibition of gender discrimination, freedom of opinion and expression, the right to peaceful protest and assembly, and the right to access social, educational, and health services, and freedom of movement. The use of "public morals" to deny women and girls their freedom of expression is deeply disempowering and will entrench and expand gender discrimination and marginalization. The ITUC is deeply concerned about this draft law which will have the effect of perpetrating the systematic discrimination and suppression of women and girls. In this context it draws attention to the fact that in December 2022, the 54-member UN Economic and Social Council (ECOSOC) adopted a resolution to remove Iran from the Commission on the Status of Women (CSW) for the remainder of its four-year term ending in 2026 and call on the government: (1) to cease immediately its repression of women and girls and to put an end to gender persecution, both in law and in practice; and (2) to reconsider the compulsory hijab legislation in compliance with international human rights law, and to ensure the full enjoyment of human rights for all women and girls in the country. ***Noting that the Government's reply to the ITUC's observations is silent on this point, the Committee urges the Government to: (i) indicate the status of this Bill; and (ii) ensure that the drafting of the new Bill is in compliance with the rights and provisions set out in the Convention. Please provide a copy of the Act finally adopted.***

Sexual harassment. The Government states that workplace violence and sexual harassment are taken seriously and considered to be criminal acts. Governmental and semi-governmental organizations specifically investigate unethical behaviours, and perpetrators are severely dealt with. Punishments include permanent or temporary dismissal, fines, etc. The Government refers to the protection provided to men and women against violence under the Islamic Penal Code, the Criminal Procedure Law, and the Civil Liability Law. It reports that measures have been proposed to support women's employment and ensure their dignity and security against violence in the "Protection, Dignity and Security of Women against Violence" Bill, which was passed in 2023 but was returned to the Social Committee of Parliament for further review. The Bill aims to provide measures for prevention, control, and decrease of behaviours or omissions and failures against women. Additionally, national plans have been approved to address violence against women, promote health and well-being, and improve communication skills among family members to protect women's dignity. The Committee notes the measures taken by the Government to control and reduce violence, which include various initiatives such as producing short films on social harms, holding training courses, improving urban spaces, and conducting workshops for children and teenagers. ***The Committee requests the Government: (i) to include clear legal provisions in the Labour Code to prevent and address all forms of sexual harassment against female and male workers, not only by a person in a position of authority but also by a colleague or a person with whom***

workers have contact as part of their job, including victimization safeguards, complaint mechanisms, sanctions, and remedies; (ii) to provide updated information on the progress made regarding the adoption of the Protection, Dignity and Security of Women against Violence Bill; and (iii) to report on specific measures taken to prevent sexual harassment at work, including through awareness campaigns in both public and private sectors.

Articles 1(1)(a) and 4. Discrimination based on sex, political opinion and activities prejudicial to the security of the State. The ITUC expresses deep concern about the intensification of repressive measures targeting women's rights defenders, following the extrajudicial death of Mahsa Amini by the Gasht-e-Irshad ("morality police") on 16 September 2022, for allegedly not complying with Islamic dress codes and the brutal, and the ruthless state repression, of the massive public protests which erupted in response to her death. Since the start of the peaceful protests, the Iranian authorities responded by a systematic criminalization of peaceful protesters and union leaders and more than 18,000 individuals have been arrested, more than 500 persons have been killed, 7 at least have been executed – many of them from the working class, ethnic and oppressed groups. Workers in key sectors of the economy (oil, gas, iron, steel, sugarcane industries), and particularly workers and trade union leaders in the education sector are victim of systematic detention, sentencing and imprisonment: individuals who participated in peaceful protests or were engaged in trade union activities have been subjected to harassment, arbitrary arrest and detention, detention in solitary confinement for several days, torture to obtain false confessions, unfair trials, unduly prolonged prison sentence, sudden increase of the amount of the bails for temporary release (some cases have reached over US$50,000), cases transferred from the ordinary courts to the Islamic Revolution Court, known for conducting high profile political trials. To back up these allegations the ITUC has submitted a nominative list of 80 persons from both sexes (mostly teachers trade unionists or not, but also women's rights activists, labour activists, ordinary protesters, etc.) all charged with undermining state security.

In its response, the Government stresses that, according to its review of the ITUC observation, there is no connection between the cases presented by the Confederation and its allegations of discrimination based on political opinion. None of these individuals were detained for participating in labour or trade union gatherings or for protesting their employment or legal status. Rather, most individuals participated in gatherings against the government that unfortunately led to the destruction of public property and/or had connections with terrorist groups. It further points out that no one in the Islamic Republic of Iran is prosecuted only because of his/her belonging to a guild, profession or special group, but no law breaker is tolerated because of his/her attachment or position to a guild, group or special profession. Therefore, the title of "women' rights activist", "social worker" or any other title could not be a reason to evade the law. The Government further addresses 33 of the 80 cases mentioned by the ITUC: (1) detailing the charges brought against these individuals (propaganda against the State, crime against national security, member of a terrorist group, member of a communist party, armed rebellion against the Islamic Republic of Iran, insulting the Founder of the Islamic Republic of Iran and the Supreme Leader, etc.); (2) specifying the sentences handed down to these persons (between 6 months and 12 years); and (3) providing an update on their current situation (some have been released, other are still waiting for the final decision, while most of them are currently serving their prison sentences).

While fully understanding the need for measures to protect the security of the State and recalling that they exist in almost all countries, the Committee is concerned that, depending on their application in practice, such measures could be used to limit the protection which the Convention seeks to guarantee against discrimination based on political opinion. In that context, the Committee wishes to recall that, protection against discrimination on the basis of political opinion afforded by the Convention implies protection in respect of the activities of expressing or demonstrating opposition to established political principles and opinions, but does not apply where violent methods are used. The protection afforded by the Convention is not limited to differences of opinion within the established framework of

principles. (see the 2012 General Survey on fundamental Conventions, paragraph 805). Furthermore, the Committee points out that, under *Article 4* of the Convention, any "measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice". However, in order to avoid any undue limitations on the protection which the Convention seeks to guarantee, this exception should be interpreted strictly. Firstly, the measures must affect an individual on account of activities he or she is justifiably suspected or proven to have undertaken. They become discriminatory when taken simply by reason of membership of a particular group or community. Secondly, the measures refer to activities qualifiable as prejudicial to the security of the State. The mere expression of opinions or religious, philosophical or political beliefs is not a sufficient basis for the application of the exception. Persons engaging in activities expressing or demonstrating opposition to established political principles by non-violent means are not excluded from the protection of the Convention by virtue of *Article 4*. Thirdly, all measures of state security should be sufficiently well defined and precise to ensure that they do not become instruments of discrimination on the basis of any ground prescribed in the Convention. Provisions coached in broad terms, such as "lack of loyalty", "the public interest" or "anti-democratic behaviour" or "harm to society" must be closely examined in the light of the bearing which the activities concerned may have on the actual performance of the job, tasks or occupation of the person concerned. Otherwise, such measures are likely to entail distinctions and exclusions based on political opinion or religion, contrary to the Convention. In addition to these substantive conditions, the legitimate application of this exception must respect the right of the person affected by the measures "to appeal to a competent body established in accordance with national practice". It is important that the appeals body be separate from the administrative or governmental authority and offer a guarantee of objectivity and independence. It must be competent to hear the reasons for the measures taken against the appellant and to afford him or her the opportunity to present his or her case in full (see the 2012 General Survey, paragraphs 832–835). ***In light of the above, and recalling that measures related to state security – which are an exception under Article 4 of the Convention – should be sufficiently well defined and precise to ensure that they do not become instruments of discrimination on the basis of any ground prescribed in the Convention, the Committee firmly urges the Government to provide: (i) detailed information on the legal definitions of "act or crime against national security" and "propaganda against the State"; (ii) the text of any national legislation provision affecting the employment or occupation (in both, the private and public sectors) of individuals suspected of being engaged in activities prejudicial to the security of the State; and (iii) information on the specific procedures establishing the right of appeal available to persons affected by such measures. Please provide information on the employment opportunities for individuals who have been released from prison after serving their terms.***

Discrimination based on religion, political opinion and ethnicity. The Government indicates that to guarantee equal opportunities for education among people of all religious and ethnic backgrounds, changes have been implemented in the Selection Law which requires prospective state officials and employees to demonstrate allegiance to the state religion *(gozinesh)*. The existing obligation for candidates from religious minorities to disclose their religious affiliation in the national exam has been removed, starting in 2023, to foster a more inclusive and equitable examination process. The Committee welcomes this change. It takes note, however, of the ITUC's observation, which states that systemic discrimination based on religion and ethnicity is widespread in Iran, with: (1) Shia Muslims having better employment opportunities than Sunni Muslims; (2) the Baha'í religious minority facing barriers to employment and being expelled from universities once identified (there have even been instances of Baha'í children being expelled from schools); (3) the Yarsan and Mandaeans also encountering challenges due to their religious beliefs and being restricted in practice to working in the private sector with significant limitations; and (4) additionally, the Kurds, Baluchis, and Arabs being practically

excluded from high-ranking Government positions, while government offices in these areas are predominantly staffed by individuals from other ethnic groups, particularly Persians. The Committee also notes the concern recently expressed by the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran regarding the widespread violations of the rights of ethnic, linguistic, and religious minorities, including the Kurds, Baluchis, Ahvazi Arabs, and Azerbaijani Turks. According to the Special Rapporteur, these groups have been consistently targeted and denied their fundamental rights, including equality, non-discrimination, linguistic and cultural rights, and access to education, employment, and healthcare. Regarding the situation of the Baha'í community, the Special Rapporteur raises serious concerns, including with respect to the persistent persecution of Baha'ís and denial of their educational rights (A/HRC/55/62, 9 February 2023, paragraphs 53, 78 and 80). Once more, the Committee notes with ***deep concern*** the lack of comprehensive protection for workers against discrimination, either through a multi-faceted national equality policy or legislation covering all workers (including migrant workers) and all aspects of employment and occupation (i.e. access to vocational training, access to employment and to particular occupations, and terms and conditions of employment). ***The Committee urges once again the Government to take the necessary measures to eliminate discrimination in law and practice against members of religious minorities, especially non-recognized religious groups, in education, employment and occupation. The Government is further requested to adopt measures to foster inclusion and protect all workers against direct and indirect discrimination based on religion, political opinion, national extraction or social origin. In this regard, the Government is also requested to provide information on steps taken and their outcomes.***

Articles 1, 2 and 3. National equality policy. Legal restrictions on women's employment. The Committee notes, with ***deep regret***, that despite its obligation under *Articles 1(1)(a)* and *3(c)* of the Convention, the Government has made no progress in eliminating laws inconsistent with the requirements of the Convention. It emphasizes in particular that, since 1996, it has urged the Government to repeal or amend section 1117 of the Civil Code (which invests a husband with the authority to prevent his wife from pursuing specific occupations that he deems incompatible with the "family's interests", his dignity, or his wife's dignity) and that the Government has been informing the Committee repeatedly that a proposal to amend this provision was being considered. The Government reiterates that a plan to amend section 1117 of the Civil Code has been presented to the Judicial and Legal Committee of the Parliament, and that a legal Bill amending certain sections of the Family Protection Law 2012 and adding new provisions was referred to Parliament for approval. The Government further explains that the interpretation of "family interests" in section 1117 of the Civil Code is based on common practice and court decisions, considering the dignity and social status of couples and families. In this respect, the Committee takes note of the judgments issued by Family Courts pertaining to the wife's employment rights and the enforcement of section 1117 of the Civil Code, as provided by the Government. It, however, notes that the judgments provided only showcase dismissals under section 1117 of the Civil Code, with a noticeable lack of cases where husbands' objections to their wives' right to work have been supported or refused. The Government emphasizes that in a marriage contract, couples have the right to specify conditions related to employment, and the husband cannot obstruct the wife from working if he consents to her employment in the marriage contract. The Committee points out that allowing couples to waive discriminatory rights recognized in national laws through contracts does not satisfy the requirements of the Convention. The Committee notes the ITUC's observations, which express concern about pervasive systemic gender discrimination and violence in both the workplace and society across Iran. Additionally, the Committee takes note of a recent report of the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to the Human Rights Council, stressing the urgent need for the Government to address, among others, gender discrimination in private settings, family laws and employment, and to introduce effective anti-discrimination legislation in workplaces (A/HRC/55/62, paragraph 77). ***The Committee strongly urges the Government to take concrete and immediate steps to ensure the repeal, effective amendment or modification of all laws,***

regulations, instructions and practices that hinder women's equality of opportunity and treatment in employment and occupation, in particular with respect to section 1117 of the Civil Code. The Government is requested to provide updated information on any measures taken in this regard and on progress made toward amending section 1117 of the Civil Code. Finally, the Committee requests the Government to provide its comments on the ITUC's observations.

Draft Comprehensive Population and Family Excellence Plan and other measures. The Committee recalls that the draft Comprehensive Population and Family Excellence Plan (Bill No. 264) provided that governmental and non-governmental departments shall give priority in employment to married men with children and to married men without children, and the employment of single persons is permitted only in the absence of qualified married applicants. The Government indicates that Bill No. 264 was renamed "Youth of Population and Family Support Plan" and approved by the Parliament for a seven-year trial period, and was communicated to the executive departments on 15 November 2021. The Government further indicates that the new law refers to "family" without prioritizing males or females as it aims to support families in general by addressing the declining birthrate and population growth. The law contains incentives and support for families with at least three children, new birth events, infertile couples, pregnant women, and mothers with children under 2 years of age. The Committee notes that the law includes provisions for job security, financial assistance, and various benefits granted to mothers and fathers to encourage childbirth and support families. The law impacts wage and salary systems, higher education, and training, favouring families and providing incentives for childbirth. Additionally, it includes provisions for transportation services, as well as cultural, sports, and recreation tariffs to benefit mothers and children. The Committee notes that this new law has the same objective of Bill No. 264, that is addressing the declining birth rate. ***Therefore, the Committee urges, once again, the Government to ensure that the measures taken to promote population growth and maternity protection do not constitute obstacles to the employment of women in practice, in particular, that all of the restrictions on women's employment and the prioritization of men's employment in draft Bill No. 264 have been removed from the new Law.***

Article 3(a). Cooperation of employers' and workers' organizations. The Government reports that a National Labour Conference was held (year not mentioned), bringing together the Government and social partners. This conference aimed to reinforce compliance with fundamental principles and rights at work, particularly in line with the provisions of ratified ILO Conventions. The final statement from the conference underscored the importance of achieving social justice for all by adhering to core principles and rights at work, with a special focus on fostering social dialogue. The Government also highlights the efforts of the Labour and Social Security Institute (LSSI), which, over recent years, has collaborated with workers' and employers' organizations to deliver specialized training courses and skills-oriented programs. Additionally, the Government states that the Confederation of Trade Union's Workers of Iran spearheaded a number of initiatives, such as conducting studies and reviews on the development of a support package for women and holding meetings with various stakeholders to discuss support for women with special circumstances and to monitor the implementation of the 2016 Labour Law, which aims to reduce working hours for these women. ***The Committee requests the Government to provide information on the awareness-raising, training, and capacity-building activities undertaken specifically to promote the Convention among the social partners.***

Article 3(e). Equal access to education and vocational training. The Government reports that to combat gender discrimination, targets have been set for women's education, achieving significant milestones such as reducing the illiteracy rate among individuals aged 10–49 by 97 per cent, nearly eliminating the gender gap in primary and secondary education, and increasing significantly women's representation in public universities, with 56 per cent of students being female. Additionally, the ratio of female university faculty members has risen to over 35 per cent. In medical sciences universities, women now make up 40 per cent of the faculty members, and women's access to education has expanded, with 784 technical and engineering fields now open to them. In this respect, the Committee

notes the ITUC's observation underlying the vastly unequal treatment of girls and women in access to education. The ITUC observes that in higher education, women face unequal access to technical curricula, with "gendered quotas" implemented for university programs by the Ministry of Science and the National Organization of Education. This denies women equal opportunities in specific fields of technical studies (including car mechanics, carpentry, home repair services, etc.), restricting them to traditionally female-oriented skills like tailoring and dress design. The ITUC further observes that gender stereotypes in primary education are perpetuated through textbooks, portraying women as homemakers and men as professionals like engineers, architects or doctors, reinforcing societal biases towards male and female workers. ***The Committee requests the Government to provide its comments on the ITUC's observation. In view of the importance of vocational guidance and training for combating occupational segregation and promoting gender equality, the Committee urges the Government: (i) to provide detailed information regarding the "quota system" restricting women's access to technical studies in higher education and its practical application, particularly in targeted fields; (ii) to adopt targeted measures to increase women's participation in sectors and occupations where they are under-represented, by encouraging girls and young women to choose non-traditional fields of studies and career paths; and (iii) to provide comprehensive statistics, disaggregated by gender and fields of study, on participation in higher education and vocational training.***

Enforcement. The Government indicates that it is working on improving the labour dispute resolution system in line with Chapter 9 of the Labour Law. Its efforts include enhancing e-services for labour trials and gathering statistical data on discrimination cases. The Government explains that these measures aim to reform the comprehensive labour relations system, refining the process for submitting claims, particularly those related to the Convention. These initiatives will support the collection of detailed statistics on discrimination cases managed within the labour dispute resolution framework. ***The Committee requests the Government to provide updated information on the progress of e-service improvements for labour trials and their impact on data collection regarding discrimination cases. Furthermore, the Government is requested to supply information on judicial and administrative decisions related to equality of opportunity and treatment in employment and occupation, including the number, nature, and outcomes of cases, along with any sanctions imposed or remedies granted.***

Iraq

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1959)

Previous comment: observation

Previous comment: direct request

The Committee notes that the Government's report contains no information in response to most of its previous comments. In this regard, it recalls that Governments have a duty to provide information on the application of ratified ILO Conventions in law and *in practice*. It is on the grounds of that information, that the Committee fulfils its duties of assessment of the effective implementation of the ratified Conventions. ***Therefore, the Committee encourages the Government to submit a more exhaustive subsequent report which contains information on the matters raised below.***

Article 1(1)(a) of the Convention. Discrimination based on race, colour, religion or national extraction. In its previous observation, while recognizing the country's ongoing process of transition and reconstruction, the Committee drew the Government's attention to the availability of technical assistance for effectively implementing the conclusions of the ILO Conference Committee on the Application of Standards and fulfilling its obligations under the Convention. The Committee notes that, in its report, the Government merely outlines the existing legislative framework regarding discrimination in employment and occupation without providing the specific information requested in

the Committee's prior observation. ***Therefore, the Committee again urges the Government to submit information on: (i) the measures taken or planned regarding the adoption of the bill on diversity protection and anti-discrimination, as well as the bill on the protection of the rights of religious and ethnic minority groups; and (ii) the strategy it intends to develop to overcome the obstacles to the adoption of these bills. In the meantime, the Committee reiterates its request for the Government to: (i) intensify its efforts and adopt proactive measures to combat discrimination against ethnic and religious minority groups (such as, for example, promoting tolerance and coexistence among religious, ethnic and national minorities, raising awareness of existing anti-discrimination laws, and setting quotas or targets for minority representation); (ii) regularly report on the outcomes of these measures, particularly in increasing access to employment and occupation for these groups; and (iii) provide any available statistical data, disaggregated by sex, on the employment of ethnic minority groups, as well as the sectors and occupations in which they are employed.***

Articles 2 and 3. National policy to promote equality of opportunity and treatment in employment and occupation. The Committee notes that the Government, with the assistance of the ILO, has formulated a national strategy to prevent and reduce inequalities in the workplace for the period 2024–28. It also observes that the Government is currently developing a national policy aimed at eliminating discrimination in employment and occupation, in line with the provisions of the Convention. Additionally, the Ministry has launched a survey to monitor widespread instances of workplace discrimination. ***The Committee requests the Government to provide updates on the progress achieved in this regard, including on the technical assistance provided by the ILO, a copy of the strategy and the policy once they are adopted, and a summary of the main findings of the survey.***

Legal obstacles faced by women. In its previous comment, in view of the legal obstacles faced by women in the labour market, the Committee suggested to the Government to consider launching a gender audit or analysis of its current legal framework, including the civil status of women, to ensure that any gender discrimination is removed. The Committee notes that the Government does not provide information on that suggestion. However, it observes that in a letter addressed to the Government dated 10 September 2024, the United Nations Special Rapporteur on violence against women and girls, its causes and consequences and the Special Rapporteur on the sale and sexual exploitation of children expressed grave concern about proposed amendments to the Personal Status Law No. 188 of 1959, which, if enacted, could undermine the country's obligation to ensure equal treatment of women and children and seriously erode fundamental human rights and protections of women and children, including girls, in Iraq. They would constitute a serious roll-back of rights in several key areas affecting women and children and would be likely to exacerbate the prevalence and forms of violence against Iraqi women and girls (OL IRQ 4/2024). The Committee notes with concern that the amendments were passed in their second reading by the Parliament of Iraq on 16 September 2024. ***In light of the above, the Committee asks the Government to: (i) provide a copy of the final version of the Personal Status Law No. 188 of 1959, as recently amended; (ii) step up its efforts to address the obstacles to women's equality of opportunity and treatment in employment and occupation that exist in practice, including cultural and stereotypical barriers; (iii) promote the participation of women in the labour market and decision–making positions on an equal footing with men; and (iii) communicate any available statistics, disaggregated by sex, concerning the participation of men and women in the various sectors of economic activity in both the private and public sectors.***

Women migrant workers. The Committee recalls that, in its conclusions, the Conference Committee on the Application of Standards asked the Government to pay particular attention to the situation of women migrant workers in the country as they are particularly vulnerable to prejudices and differences in treatment in the labour market on grounds such as race, colour and national extraction, often intersecting with other grounds such as gender and religion (see the 2012 General Survey on the fundamental Conventions, paragraph 776). ***The Committee therefore asks the Government to ensure***

that women migrant workers are protected against all the forms of discrimination prohibited by the Convention not only in law but also in practice, and to provide any information available in this regard.

Article 5. Special protection measures. The Committee recalls that Labour Law No. 37/2015 prohibits women from working in jobs deemed hazardous or arduous (section 85(2)) and also from performing night work (section 86(1)) and that it had asked the Government to take the necessary measures to review these provisions with a view to ensuring that protective measures applicable to women's employment in certain jobs or industries are not based on stereotypes regarding women's professional abilities and capabilities and are strictly limited to maternity protection. ***In the absence of any information in this regard, the Committee reiterates its firm hope that the Labour Code will be amended in the near future so that the restrictions on employment, under sections 85(2) and 86(1), will be strictly confined to maternity protection. Please provide information on progress made in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

Ireland

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1999)

Previous comment

Articles 1(1)(a) and 2 of the Convention. Gender discrimination and equality of opportunity and treatment for men and women. The Committee recalls that article 41(2) of the Constitution provides that "the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved" and that "The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home." It also recalls that, in June 2018, the Irish Human Rights and Equality Commission (IHREC) called for article 41(2) of the Constitution to be rendered gender neutral. Following a report in June 2021 of a "Citizens' Assembly" established by the Oireachtas (Parliament), and a subsequent report of an Oireachtas Committee on Gender Equality in December 2022, two referendums were held on 8 March 2024. One, the "Fortieth Amendment of the Constitution (Care) Bill 2023", proposed to delete article 41(2) quoted above and insert a new, gender-neutral, article 42B which would read: "The State recognises that the provision of care, by members of a family to one another by reason of the bonds that exist among them, gives to Society a support without which the common good cannot be achieved, and shall strive to support such provision." The voter turnout was 44.4 per cent and the fortieth amendment was rejected by 73.9 per cent of voters (the thirty-ninth amendment, which proposed to expand the constitutional definition of family to include durable relationships outside marriage, was also rejected, by 67.7 per cent of voters). With reference to its previous comments on the matter, the Committee reaffirms that equality and non-discrimination in employment and occupation cannot be achieved if stereotypical assumptions about the role of men and women in society in general remain, especially when it is explicitly stated in the Constitution. It recalls that the issue has been a source of concern for the Committee as well as international treaty bodies for more than 20 years (see the Committee's comment adopted in 2003 on the first report submitted by Ireland on the implementation of the Convention; and the concluding observations of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), A/60/38(SUPP), 31 August 2005, paragraphs 382–383). It also recalls the Government's indication, in the report addressed to the Committee in 2006 that, as far back as 1997, an All-Party-Oireachtas Committee on the Constitution had recommended a revised article 41.2 in gender-neutral form. ***Considering the developments in the country regarding the constitutional provision, the Committee asks the Government to provide***

information on the steps taken to discourage any stereotypical treatment of women in the context of employment and occupation.

Article 1(1)(a). Discrimination based on political opinion or social origin. The Committee notes with ***interest*** the Government's statement in its report, in reply to the Committee's previous comment, that a "review of the Equality Acts is now considering the introduction of a prohibited ground of discrimination based on socio-economic disadvantaged status to the Equal Status Act 2000 and the Employment Equality Act 1998" as this was a commitment in the "2020 Programme for Government". In this regard, the Committee notes that the IHREC, in its July 2023 submission on the review of equality legislation initiated by the Department of Children, Equality, Disability, Integration and Youth (pages 50 to 57), recalled that "nearly twenty years have passed since the [2004] initial report [...] commissioned by the Department of Justice, into the equality legislation in Ireland, in which the need to introduce new discriminatory grounds, including the ground of socio-economic status was examined" and reaffirmed its position that equality law should be amended to prohibit discrimination on the basis of socio-economic status. It indicated that: (1) an increasing number of studies showed that discrimination on the grounds of socio-economic status is a widespread reality in Ireland and needs to be tackled; (2) those with a disadvantaged socio-economic status do face discrimination on this basis and are, therefore, often excluded from both services and employment which, in turn, exacerbates income and wealth inequalities; and (3) the introduction of this ground would be a significant step towards greater recognition of intersectional discrimination, and also enhance access to justice for structurally vulnerable individuals and groups. The Committee also notes from this report that a current private member's bill (the Equality (Miscellaneous Provisions) Bill 2021) proposes to amend equality law to prohibit discrimination on the basis of a person's social and economic background. As regards discrimination based on political opinion, the Committee however notes with ***concern*** that the Government merely indicates that the review of the equality legislation "is also examining whether further additional equality grounds should be added" without providing more information. The Committee cannot but reiterate that, where legal provisions are adopted to give effect to the Convention, they should include *at least* all of the grounds of discrimination set out in *Article 1(1)(a)* of the Convention. ***The Committee therefore once again urges the Government to ensure formal legislative protection against discrimination in employment and occupation based on political opinion and social origin (socio-economic status). It requests the Government to provide information on: (i) the outcome of the review of the equality legislation; (ii) the measures taken or envisaged – as a result of this review or otherwise – in order to include political opinion and social origin as prohibited grounds of discrimination in the legislation; and (iii) how protection against discrimination on these two grounds is ensured in practice.***

Article 1(2). Inherent requirements of the job. In reply to its previous comment relating to the exclusion from the scope of the Employment Equality Act 1998 of domestic workers (section 2), the Committee notes the Government's statement that the review of the equality legislation by the Department of Children, Equality, Disability, Integration and Youth is examining whether additional grounds of discrimination should be added and whether existing exemptions should be removed. It also notes that, in the summary of stakeholders' submissions on Ireland in the context of the Universal Periodic Review mechanism, the Office of the United Nations High Commissioner for Human Rights mentioned the reports from Irish civil society organizations that there remained obligatory religious oaths for high office postings and continued discrimination linked to religion in school enrolment, teacher training and employment. ***In view of the above, the Committee once again urges the Government to take steps to amend the relevant sections (including section 2) of the Employment Equality Act so as to ensure that any limitations on the right to non-discrimination in all aspects of employment and occupation are restricted to the inherent requirements of the particular job, as strictly defined.***

The Committee is raising other matters in a request addressed directly to the Government.

Israel

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1965)

Previous comment

Article 2 of the Convention. Application of the principle of the Convention to live-in caregivers. The Committee notes from the Government's report that: (1) there is no change in the legal framework of the employment conditions of live-in caregivers; and (2) the provisions of the Hours of Work and Rest Law, 1951, including the provisions on overtime pay, do not apply to live-in caregivers. In this regard, the Committee wishes to draw the Government's attention to the fact that no provision in the Convention limits its scope as regards individuals or branches of activity. The Convention applies to "all workers", and the principle of equal remuneration for men and women shall apply everywhere. It further points out that, while the Convention is flexible regarding the measures to be used and the timing in achieving its objective, it allows no compromise in the objective to be pursued (see the 2012 General Survey on the fundamental Conventions, paragraph 670). Additionally, the Committee considers that legislative measures that ensure respect for and the full realization of the fundamental principles and rights at work in the context of domestic work are essential to ensuring decent work for domestic workers (see the 2022 General Survey on securing decent work in the care economy, paragraph 627). The Committee recalls that, in its previous reports, the Government had indicated that the process will take time and that it has decided to adopt a gradual approach towards improving the situation of caregivers. ***Noting the passage of substantial time raising this issue, the Committee again urges the Government to: (i) ensure the application of the principle of equal remuneration for men and women for work of equal "value" within the caregiver sector, a female-dominated sector; (ii) identify benchmarks or milestones to mark progress towards achieving the objectives of the Convention in a time-bound manner; and (iii) provide information on any measures taken to raise awareness among the users and beneficiaries of care services, and the general public as a whole, of the need to recognize the value of care work. The Committee reminds the Government of the possibility to avail itself of ILO technical assistance in this regard.***

Scope of comparison. The Committee recalls that under section 2 of the Male and Female Workers Equal Pay Law, 1996, the right to equal pay is limited to men and women "employed by the same employer in the same workplace". For years, the Committee has been asking the Government to indicate what measures are being taken or envisaged to extend the scope of comparison beyond the same employer or workplace. It has constantly reaffirmed that the application of the Convention's principle allows for a much broader comparison to be made between jobs performed by men and women in different places or enterprises, or between different employers. As women tend to be more heavily concentrated in certain sectors or occupations, there is a risk that the possibilities for comparison at the enterprise or establishment level will be insufficient, and steps should be taken to ensure that an equal pay claim can be made (see the 2012 General Survey, paragraphs 697–699). Consequently, the reach of comparison between jobs performed by men and women should be as wide as possible, in the context of the level at which wage policies, systems and structures are coordinated. The Committee notes with ***regret*** that the Government's report is once again silent on this point. ***The Committee therefore urges the Government to report on the measures taken to amend section 2 of the Male and Female Workers Equal Pay Law, 1996, to extend the scope of comparison for the remuneration of jobs of equal value beyond the same employer or workplace.***

Article 3. Objective job evaluation. For a number of years now, the Committee has stressed the importance of adopting objective job evaluation methods for implementing the principle of equal remuneration for men and women for work of equal *value,* as the concept of "equal value" requires some method of measuring the relative value of different jobs. While the Convention does not prescribe any specific method for such an examination, *Article 3* presupposes the use of appropriate techniques

for objective job evaluation free from gender bias, as job evaluation is the process of assessing the relative worth of jobs in an organization, using an objective and reliable evaluation system. The Government reiterates that, under section 5 of the Male and Female Workers Equal Pay Law, 1996, the Labor Court can decide to appoint an evaluator if the plaintiff shows a beginning of evidence that the law has been transgressed, thus leaving the responsibility of job evaluation to the Courts. ***The Committee thus requests again the Government to indicate the specific measures envisaged or adopted with the aim of establishing or promoting mechanisms for the objective (including free from gender bias) evaluation of jobs in the private and public sectors, and to provide details on the outcome of the cases where the Labour Courts have decided to appoint a job evaluator.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1959)

Previous comment

Article 1(1)(a) of the Convention. Discrimination on the basis of sex, race, colour or national extraction. Foreign live-in caregivers. The Committee notes the general information provided in the Government's report on the role and competencies of the Commissioner for Foreign Workers' Rights. The Government specifies that, in 2022, the Commissioner received a total of 1,320 inquiries regarding foreign caregiver workers, with the leading topics being information on social rights, termination of employment, pension and deposits, salary, pregnancy and childbirth rights. The Committee further notes the Government's indication that the Commissioner issues various publications, including through its Facebook page, to inform workers and employers in the caregiver sector on their respective rights and obligations, such as: (1) the 2022 Letter to the employer of a foreign caregiver, which details the employment process and working conditions of foreign caregivers; (2) a Letter on preventing sexual harassment in the live-in caregiver sector; and (3) a Letter on vacation days and unpaid leave in the live-in caregiver sector. The Committee observes, however, that the Government still provides no information on the steps taken or envisaged to amend Hours of Work and Rest Law, 1951, with some adaptation to take into consideration the difficulty of supervising the working hours of live-in caregivers, as recommended by the Government Staff Committee in 2009. In this regard, it reiterates that, given that a large number of live-in caregivers are foreign women, the exclusion of the live-in caregivers from the applicability of this law may lead in practice to both indirect and direct discrimination on the basis of sex, race, colour or national extraction. ***The Committee therefore urges the Government to: (i) indicate the measures taken or envisaged to extend, with adaptation, the application of the provisions of the Hours of Work and Rest Law, 1951, to live-in caregiver workers; and (ii) report on any other measures taken or envisaged to improve the working conditions of live-in caregivers in practice, including the facilitation of access of labour inspectors to the homes of private individuals employing live-in caregivers. Noting that the Government has mainly communicated on the requests for information of foreign caregiver workers, the Committee reiterates its request to the Government to provide information on any complaints submitted by caregivers that relate to cases of discrimination, including information on the number of complaints, their nature and outcomes.***

Articles 1 and 2. Equality of opportunity and treatment irrespective of race, national extraction or religion. The Committee takes note of the various programs mentioned by the Government, encouraging the integration of different minority groups in the Israeli labour market, including in higher income occupations. The Government notably mentions: (1) the "Economic plan to reduce disparities in Arab society until the year 2026", which aims at developing the employment of Arab people, both in terms of employment rate and quality of work; (2) a program coordinated by the Equal Employment Opportunities Commission (EEOC) and the ITWORKS non-profit organization, which develops tools to encourage the employment of Arab, Bedouin and ultra-Orthodox Jewish women in high-tech companies; and (3) the "Aid program for the absorption of additional employees for businesses in

Israel", which assists employers in hiring workers from populations with a low participation rate in the Israeli labour market, such as Arab and ultra-Orthodox people, persons with disabilities and single parents. The Committee further notes that the Government provides a detailed report on the characteristics of the Israeli Labour Market in 2022, indicating among other information that: (1) the employment rate of ultra-Orthodox women continued its upward trend (79.4 per cent in 2022), although 58 per cent of them occupy part-time jobs, compared to 34 per cent of non-Orthodox Jewish women; (2) the employment rate of ultra-Orthodox men remains low (53 per cent in 2022), with 40 per cent of them working part-time jobs, compared to only 17 per cent of non-Orthodox Jewish men; (3) among Arab women, the employment rate increased but remains low (42 per cent in 2022); (4) among Arab men, the employment rate stands at 74 per cent, but the rate of inactive (who do not study and do not work) Arab men aged 18 to 24 years old is still very high (32 per cent in 2022); and (5) the wage data for the year 2021 indicate a nominal increase of 3 to 7 per cent in the wages of these populations, but since inflation that year was 2.8 per cent, the actual increase is relatively low. ***The Committee asks the Government to report: (i) on the results of the programs mentioned above (including statistical data) adopted to promote equality of opportunity and treatment in employment and occupation, irrespective of race, national extraction or religion; and (ii) on any other measures taken to ensure the effective integration of minority groups, especially Arab and non-Orthodox Jewish people, into the labour market, including in higher income categories.***

With regard to the Basic Law on the Nation State, 2018, the Committee notes that the Government reiterates previous information. ***In these circumstances, the Committee once again asks the Government to report on any measures taken to assess whether the implementation in practice of the provisions of the Basic Law on the Nation State, 2018, adversely affects the employment and occupational opportunities of certain population groups.***

The Committee is raising other matters in a request addressed directly to the Government.

Italy

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1963)

Previous comment: observation

Previous comment: direct request

The Committee notes the observations of the Italian Confederation of Workers' Trade Unions (CISL), the Italian General Confederation of Labour (CGIL), and the Italian Union of Labour (UIL) as well as those of the Italian Confederation of Managers and Other Professionals (CIDA) communicated with the Government's report. It also notes the observations of CISL, CGIL and UIL communicated to the Office on 30 June 2022 and 5 September 2023.

Article 1 of the Convention. Discrimination on the basis of sex. Pregnancy and maternity. The Committee notes that, in its report, the Government informs about the adoption of Legislative Decree No. 105/2022, to implement Directive (EU) 2019/1158 of the European Parliament and the Council on work–life balance for parents and carers, which: (1) extends the duration of parental leave from 6 to 9 months (or 11 for single parents) and increases the age of the children in relation to which such leave applies from 6 to 12 years; (2) gives priority for the assignment of "agile working" to working parents with children until 12 years of age and children with grave disabilities or workers caring for other persons with grave disabilities and those falling within the definition of "family caregiver" as per article 1 of Act No. 205 of 2017; (3) introduces a compulsory paternity leave of 10 working days (or 20 in case of multiple births) to be used between the 2 months before and 5 months after delivery; and (4) amends Act No. 104 of 1992 to expressly prohibit discrimination against workers who apply for or take

advantage of benefits granted to the workers in relation to the condition of disability of those to whom they provide care and assistance.

The Government also refers to: (1) the inclusion in the definition of discrimination in the Code of Equal Opportunities (article 25 of Legislative Decree No. 198 of 2006, as amended by Act No. 162 of 2021) of "any treatment or change in the organization of working conditions and working time which, by reason of sex, age, personal or family care requirements, pregnancy, maternity or paternity, including adoption, or by reason of the ownership and exercise of the corresponding rights, places or is likely to place the worker in at least one of the following conditions: (a) disadvantageous position in relation to other workers in general; (b) limitation of opportunities to participate in the life or choices of the company; (c) limitation of access to the mechanisms for advancement and career progression"; (2) actions envisaged under the National Programme on "Youth, women and work" to promote a better work–life balance, including through access to affordable childcare and care services for dependent persons, and under the project "Equality for work and life" (EQW&L)to develop a checklist for employment centres to assess family reconciliation needs when matching labour supply and demand; and (3) promotional activities undertaken by the labour inspectorate (INL) on themes such as maternity and labour rights, gender equality and validation of resignations of working mothers and fathers, involving 2,034 people in 2022.

The Committee notes from the latest report available on the labour inspectorate (INL) webpage that, in 2022: (1) the total number of validations of resignations and consensual terminations adopted nationwide amounted to 61,391, 72.8 per cent of which concerned women; (2) voluntary resignation represented 96.8 per cent of the total number of employment terminations; (3) compared to 2021, while there was a decrease of consensual terminations (by 39.8 per cent) and resignations for just cause (by 29.4 per cent), there was an increase of voluntary resignations (by 20.1 per cent), which was higher for women then for men. The Committee also notes from the statistical data published by the National Institute of Statistics (INSTAT) on "work and life-time balance" that that there was an improvement concerning the distribution of time dedicated to domestic work between partners over the last decade until 2020–21, and has since then remained stable. The Committee also notes that the data shows increasing female employment among both those without children and those with small children in 2022. The Committee welcomes the measures adopted by the Government. It however remains concerned about the high incidence of voluntary resignations among women. ***The Committee thus asks the Government to:***

(i) investigate the underlying reasons for the high numbers of voluntary resignations by women with a view to designing appropriate measures to address any direct and indirect discrimination and provide information on the steps taken in this respect;

(ii) assess, in collaboration with the social partners and appropriate bodies, the impact of the measures thus far adopted to prevent and address all discrimination against women based on pregnancy and maternity, in both the private and public sectors, including the measures adopted to promote the reconciliation of work and family responsibilities, and provide information on the main findings of this assessment, the lessons learned and the actions envisaged for the future.

The Committee also asks the Government to continue to provide information on the measures adopted to prevent and address all discrimination against women based on pregnancy and maternity, in both the private and public sectors, and their results, and on the relevant findings of the labour inspectorate concerning resignations and consensual terminations.

Article 2. Equality of opportunity and treatment for men and women. The Committee notes that the Government provides information on recent legislative and policy measures taken, including: (1) the extension to enterprises with more than 50 employees of the obligation to report every two years to the Ministry of Labour and Social Policy on the situation of male and female staff (section 46 of the Code of

Equal Opportunities as amended by Act no. 162 of 2021), which will be jointly examined by the Ministry and the National Institute for Public Policy Analysis (INAPP); (2) the establishment of a Gender Equality Certificate attesting the adoption of concrete measures to reduce gender gaps, which enterprises may request in order to access a variety of benefits, such as social security exemptions (section 46 *bis* of the Code of Equal Opportunities); (3) the amendment to article 25 of the Code of Equal Opportunities to extend the prohibition of discrimination to job candidates; (4) the inclusion of gender equality as a cross-cutting priority of the Plan for Recovery and Resilience – Italy Tomorrow ("Italia Domani") that aligns itself with the Strategy for Gender Equality 2020-2025 launched by the European Commission. The Committee also notes from the information provided by the Government in its report under the Equal Remuneration Convention, 1951 (No. 100), that the National Strategy on Gender Equality (2021–2026) envisages various interventions with the objective of reducing the gender employment gap, with a focus on the inclusion of female parents and the promotion of female entrepreneurship.

As regards the impact of the measures adopted, the Committee notes the Government's indication that the National Equality Adviser, on the basis of the periodical report on the staff situation and the indications provided by the National Committee for the implementation of the principles of equal treatment and equal opportunities for men and women workers, submits to the Parliament, every two years, a report containing the results of the monitoring of the implementation of the legislation on equality and equal opportunities at work and the assessment of the effects of the legal provisions but does not provide further details on the findings of such assessments. The Committee also notes the Government's indication that the INL cooperates with the National Equality Adviser to ensure full application of the legal framework on gender equality and address discrimination, including through joint analysis of the reports that companies with more than 50 employees are required to submit under article 46 of the Code of Equal Opportunities concerning the situation of male and female staff in each of the professions and in relation to the status of recruitment, training, professional promotion, levels, changes in category or qualification, other mobility phenomena, the intervention of the Wage Guarantee Fund, redundancies, early retirements and retirements, and remuneration actually paid.

The Committee notes from INSTAT's 2024 report on the Sustainable Development Goals that, between 2014 and 2023, the family work asymmetry index has decreased by 5.4 percentage points, due to a slow consolidation of equal distribution of care responsibilities and the growth of female labour participation. However, female disadvantage in the labour market, due to the difficulties in reconciling family and work life, persists. In this respect, the Committee notes the observations by CISL, CGIL and UIL that: (1) legislation on gender discrimination is limited in terms of impact as, with the exception of the provisions included in the Code for Equal Opportunities, other existing measures tackle part of the problem without an overall perspective; (2) behaviours, customs, prejudices and lack of services, in particular for parenting, but more generally of care and assistance to the family, continue to constraint women's access to work, being that lack of care services for children, the elderly and persons with disabilities is the main cause of women's exit from the labour market; (3) the incentives to increase women's employment have mainly been used to recruit women in part-time or fixed-term employment, and women's careers continue to be discontinued, lower paid and with little opportunity for advancement; (4) the Gender Equality Certificate system does not provide for the participation of workers' organizations to design or verify the existence of workplace measures and their implementation, and does not require to reinvest the exemptions obtained with the certificate in gender equality policies; (5) controls, investigations, and coordination between the many existing monitoring bodies are scarce, and that a number of these bodies, such as the National Equality Adviser and the National Committee for the implementation of the principles of equal treatment and equal opportunities for men and women workers, lack budgetary resources or receive them unequally across the country. Furthermore, the Committee notes that in its observations CIDA, while providing 2023 statistical data showing an increase of women managers (+13.5 per cent against +3.6 per cent for men),

highlights that discrimination against women at the top levels of employment persists, and that incentives for female employment to increase women's labour participation remain necessary.

The Committee furthermore notes that, in 2024, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the underrepresentation of girls and women in non-traditional fields of study and career paths, the extremely low level of female employment rates and the insufficient measures to promote the economic empowerment of women, the high number of women leaving the workforce after childbirth due to barriers to re-entering the labour market, including the limited availability and accessibility of care services and support programmes to re-enter the workforce, and the lack of measures to address gender stereotypes that deter fathers from participating in parenting responsibilities (CEDAW/C/ITA/CO/8, 27 February 2024, paragraphs 35 and 37). The Committee also refers to its comments under the Equal Remuneration Convention, 1951 (No. 100). ***Noting all the information above, the Committee therefore asks the Government to make, in collaboration with the social partners, an assessment of the various measures adopted to promote equality of opportunity and treatment between men and women in respect of employment and occupation with a view to: (i) evaluate their impact in practice; (ii) identify the shortcomings, challenges and obstacles that may persist, including any legal, policy and governance gaps; and (iii) take follow-up actions accordingly to address them. In this regard, the Committee also asks the Government to assess, in collaboration with the social partners and the concerned bodies, the capacity of the competent monitoring bodies to function effectively and evenly across the country and identify the corrective measures needed, and provide information on the steps taken in this respect. Please also supply a copy of the latest report to the Parliament of the National Committee for the implementation of the principles of equal treatment and equal opportunities for men and women workers and the main findings of the joint analysis conducted by the Ministry of Labour and Social Policy and INAPP on the reports submitted by companies under section 46 of the Code of Equal Opportunities, as well as the follow-up actions undertaken based on the results of those reports. In addition, the Committee reiterates its request for information on the monitoring of the application of Legislative Decree No. 8/2016, with a view to ascertaining whether the decriminalization of cases of gender discrimination in employment and occupation has reduced the deterrent effect of the sanctions.***

The Committee is raising other matters in a request addressed directly to the Government.

Jamaica

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1975)

Previous comment

Articles 1(b) and 2(2)(a) of the Convention. Equal remuneration for work of equal value. Legislation. The Government confirms, in its report, that the Employment (Equal Pay for Men and Women) Act 1975 (the Act) is being reviewed. The Committee welcomes the Government's intention to conduct a comparative analysis of international and regional best practices as part of this legislative reform process. It notes that in its November 2023 concluding observations, the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) expressed its concern regarding the Act's lack of implementation of the principle of equal remuneration for work of equal *value*, and its non-explicit prohibition of gender-based discrimination in recruitment, career development and vocational training and in relation to job security (CEDAW/C/JAM/CO/8, 15 November 2023, paragraph 30(b)). The Committee consequently notes the Government's reply to the CEDAW list of issues and questions and its statement that the Ministry of Labour and Social Security (MLSS) has been awaiting, since the 2019–20 fiscal year, a Policy Directive on whether to proceed with the proposed amendments to the Act to bring it into conformity with the Convention (CEDAW/C/JAM/RQ/8, 31 July 2023, paragraph 6). ***The***

Committee again urges the Government to take the necessary steps to ensure that, as part of the review of the Employment (Equal Pay for Men and Women) Act of 1975, its equal pay provisions are amended and brought in line with the Convention: (i) by giving full legislative expression to the principle of equal pay for men and women for work of equal "value"; and (ii) by extending the application of this principle beyond the same employer. The Committee asks the Government to provide information on the steps taken to this end.

The Committee is raising other matters in a request addressed directly to the Government.

Jordan

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1966)

Previous comment

Article 1(a) of the Convention. Additional allowances in the public service. The Committee recalls that section 25(b) of Regulation No. 82 of 2013 concerning the Civil Service provides that a family allowance is granted to a married man and in exceptional cases to a woman (if her husband is incapacitated, or if she supports her children or is divorced and does not receive a child allowance for her children below 18 years of age). It notes the Government's indication in its report that Civil Service Regulation No. 82 of 2013 was repealed and that section 24 of the Civil Service Regulation No. 9 of 2020, provides that a female employee is entitled to the family allowance if her husband is disabled, if she is the breadwinner of her children, or if she is divorced without a legitimate alimony for her children under the age of 18 years. ***The Committee requests the Government to amend Regulation No. 9 of 2020 to ensure that women and men are entitled to all allowances, including the family allowance, on an equal basis.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1963)

Previous comment

Article 1(1)(a) of the Convention. Protection of workers against discrimination. Legislation. For a number of years, the Committee has been asking the Government to provide information about the steps taken towards amending the Labour Law No. 8 of 1996 with a view to explicitly defining and prohibiting direct and indirect discrimination based on at least all the grounds enumerated in *Article 1(1)(a)* of the Convention in all aspects of employment and occupation, and covering all workers, in line also with the recommendations arising out of the legal review conducted by the National Steering Committee for Pay Equity (NSCPE). The Committee notes that, in its report, the Government refers to some amendments to article 6 of the Constitution, to provide, among other things, for the rights of persons with disabilities and for "women's empowerment and support to play an active role in building society in a way which guarantees equal opportunity based on justice, equity, and their protection from all forms of violence and discrimination". The Government also recalls that the Labour Law, as amended by Law No. 14 of 2019, prohibits wage discrimination based on sex. Moreover, section 69 of the Labour Law, as amended by Law No. 10 of 2023, prohibits any discrimination based on sex between employees that would prejudice equal opportunities. At the same time, the Committee notes the concerns expressed by the United Nations Committee on the Elimination of Racial Discrimination about the lack of a specific domestic legislative prohibition of direct and indirect racial discrimination and its repercussions in practice (CERD/103rd session/FU/MK/ks, 30 April 2021, page 1).

The Committee welcomes the reported amendments to the Constitution and the Labour Law. At the same time, the Committee recalls that, in order to give effect to the principle of the Convention, legal provisions should include all the grounds of discrimination listed in *Article 1(1)(a)* of the Convention, including but going beyond the ground of sex. It is also important to review continually the protection

afforded by the national legislation to ensure that it remains appropriate and effective (see the 2012 General Survey on the fundamental Conventions, paragraph 853). It also recalls that clear and comprehensive definitions of what constitutes discrimination in employment and occupation are instrumental in identifying and addressing the many manifestations in which it may occur (see 2012 General Survey, paragraph 743). ***The Committee therefore again requests the Government to take the necessary measures to amend the Labour Law No. 8 of 1996, in order to define and prohibit direct and indirect discrimination on at least all of the grounds enumerated in Article 1(1)(a) of the Convention with respect to all aspects of employment and occupation, ensuring that all categories of workers, in both the formal and informal economies, including domestic workers, are covered. Please provide information on any developments in this regard.***

Article 1(1)(a). Discrimination based on sex. Sexual harassment. The Committee recalls that it previously asked the Government to step up its efforts to ensure that a comprehensive definition and a clear prohibition of both forms of sexual harassment in employment and occupation (quid pro quo and hostile work environment) is included in the Labour Law and to ensure the use of gender-neutral language. It notes the Government's indication that section 29(b) of the Labour Law has been amended and now provides that an employer or his representative who has committed an assault by beating or used any form of sexual assault or sexual harassment against his employees, shall be punished by a fine. Section 29(c) defines sexual harassment as "any physical or verbal practice or behaviour of a sexual nature or threats associated with it, that violates the dignity of which it is degrading and leads to physical, psychological or sexual harm". In addition, the Government indicates that a draft policy guide for protection from violence, harassment and discrimination in the world of work towards a safe and healthy work environment will be prepared. The Committee draws the Government's attention to its 2002 general observation on sexual harassment, hoping that it will be taken into account in the formulation of the policy guide. It emphasizes that the scope of the protection against sexual harassment should cover all employees, male and female, with respect not only to employment and occupation, but also vocational education and training, access to employment and conditions of employment. Moreover, the scope of liability should extend to employers, supervisors and co-workers and, where possible, clients or other persons met in connection with the performance of work duties. The Committee notes that section 29(b) of the Labour Law falls short of ensuring this scope of protection, besides lacking a clear definition and prohibition of both quid pro quo and hostile work environment harassment. ***The Committee therefore asks the Government to consider including a comprehensive definition and a clear prohibition of both forms of sexual harassment in employment and occupation (quid pro quo and hostile work environment) in the Labour Law, using gender-neutral language, at the earliest opportunity and to provide information on the progress made in this regard. In the meanwhile, the Committee asks the Government: (i) to provide a copy of the policy guide for protection from violence, harassment and discrimination in the world of work towards a safe and healthy work environment and examples of its application in practice to prevent and address sexual harassment in employment and occupation, including any measures taken to promote and monitor the adoption of a workplace policy by companies; (ii) to supply information on the preventive measures taken, including awareness-raising initiatives addressed to the social partners and enforcement authorities. The Committee also reiterates its request for information on the number, nature and outcome of any complaints or cases of sexual harassment in employment and occupation detected by labour inspectors and dealt with by the courts or any other body.***

Article 5. Special protection measures. Restrictions on women's employment. The Committee refers to its previous observation in which it asked the Government to amend section 69 of the Labour Law and the corresponding Ordinance No. 6828 to ensure that any restrictions on women's employment are limited to maternity protection in the strict sense and are not based on stereotypical assumptions regarding their capacity and role in society. It notes with ***satisfaction*** the Government's indication that section 69 of the Labour Law has been amended as follows: "a. Any discrimination based on sex between

employees that would prejudice equal opportunities is prohibited. B. The Minister shall issue the necessary instructions for the protection of pregnant and lactating women, persons with disabilities, and persons who perform night work to create a safe working environment". ***Welcoming the amendment, the Committee asks the Government to provide a copy of the instructions implementing section 69 of the Labour Law, once adopted.***

The Committee is raising other matters in a request addressed directly to the Government.

Kazakhstan

Equal Remuneration Convention, 1951 (No. 100) (ratification: 2001)

Previous comment

The Committee notes the observations of the Fuel and Energy Workers' Union (FEWU) received on 30 August 2023.

Articles 1 and 2 of the Convention. Gender pay gap. The Committee notes the concerns expressed by the International Trade Union Confederation (ITUC), in its observation received in 2020,and the FEWU that the gender pay gap in favour of men remains significant in Kazakhstan. They state that occupational patterns of gender divisions, both horizontal and vertical – such as the existence of a list of occupations prohibited for women, the concentration of women in traditional and low-paid sectors of the economy, and the barriers to accessing senior executive-level jobs – contribute to the gender-based wage gap. According to the data of the National Statistical Bureau of the Strategic Planning and Reforms Agency, the unemployment rate for females in 2021 was higher than for males (5.4 and 4.3 per cent, respectively), and the number of economically active women is still currently lower than for men. Women's participation in the labour market is limited due to widespread adherence to patriarchal stereotypes, in particular with respect to childcare and domestic responsibilities. The ITUC and the FEWU indicate that there is vertical segregation, as women are under-represented not only in leadership positions and in managerial positions in the private sector, but also in the civil service and in national and regional political life. The target of the proportion of women at the decision-making level, approved in the Strategy for Gender Equality (30 per cent by 2016), has not been achieved in all sectors and regions of Kazakhstan and was pushed forward to 2030. Horizontal segregation in the labour market is corroborated by a clear division of "male" and "female" occupations, with "male" spheres of work being more highly paid, and a prevalence of women in spheres that are low-paid. The ITUC indicates that another factor for the difference in income between women and men relates to parental leave, which is taken by women due to local traditions and the fact that women bear the primary burden of caring for growing children, despite section 100 of the Labour Code providing the right for both mothers and fathers to take parental leave. The Committee notes the Government's reply that the Labour Code guarantees the right to equal pay for work of equal value (i.e. for work of identical duration, intensity and complexity) and does not permit any form of discrimination in payment for work. Where the qualifications and locations are identical, if a woman occupies the same position as a man with identical working conditions and all other features, women's and men's salaries are identical. The Government also indicates that there are no limits to career growth for women, including for young women. It further states that the Act of 12 October 2021 on Amendments and Additions to Certain Legislative Acts on the Social Protection of Certain Categories of Citizens abolished the list of jobs for which women's labour is restricted, therefore broadening employment opportunities for women by ensuring their access to all jobs, including those in industries (oil and gas, mining, and manufacturing), transportation and construction, which are classified as having hazardous and harmful working conditions. ***The Committee asks the Government to take every necessary step in order to: (i) effectively address the horizontal and vertical occupational segregation between men and women; (ii) promote the participation of women in the labour market in a wider range of occupations, in particular jobs with career prospects and***

higher pay, including through awareness-raising and sensitization to overcome gender stereotypes; and (iii) provide information on the earnings of men and women in both the private and the public sectors, and on the evolution of the gender pay gap.

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1999)

Previous comment

The Committee notes the observations of Fuel and Energy Workers' Union (FEWU) received on 30 August 2023, on the notion of discrimination and its legislative ban, discriminatory norms in the world of work, gender equality, worker honour and dignity, migrants and protection from discrimination.

Article 1(1)(a) of the Convention. Prohibited grounds of discrimination. The Committee notes that in response to its previous comment and to the concern expressed by the International Trade Union Confederation (ITUC) in its observation of 2020, that the Labour Code does not provide for the possibility of establishing other grounds for discrimination, and in particular discrimination of the basis of skin colour, the Government states in its report that in 2023, the Labour Code was aligned with article 14(2) of the Constitution of the Republic of Kazakhstan, as part of the Act of 27 June 2022 on Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Improving the Quality of Life of Persons with Disabilities. Section 6(2) of the Labour Code, which lists the grounds of discrimination that are prohibited by law, was supplemented with the words "or other circumstances" and now stipulates that nobody may be subjected to any discrimination in the exercise of labour rights on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence, age or physical disabilities, membership of public associations, or other circumstances. The Government further states that "other circumstances" include any other grounds for discrimination, including colour, and that these provisions make it possible to prevent discrimination against employees on the ground of colour while at work. While noting this information, the Committee observes that the ground of "colour" is not explicitly mentioned in the list under section 6(2) of the revised Labour Code. In this regard, the Committee recalls that where legal provisions are adopted to give effect to the principle of the Convention, they should include at least all the grounds of discrimination specified in *Article 1(1)(a)* of the Convention. ***The Committee asks the Government to: (i) indicate whether any interpretation concerning colour or the wording "other circumstances" in section 6(2) of the amended Labour Code has been handed down by the judicial authorities and, if so, provide a copy of these decisions; and (ii) provide information on the steps taken to raise awareness of anti-discrimination provisions in the Labour Code – specifically to prevent discrimination on the ground of colour – among workers, employers and their respective organizations, as well as law enforcement officials.***

Direct and indirect discrimination. The Committee notes that in its observations, the FEWU emphasizes that the general prohibition of discrimination in employment in the national legal framework is of a declarative nature, and protection against discrimination remains insufficiently effective. The FEWU states that there is no system of anti-discrimination regulation, nor is there any special comprehensive legislation that fully defines the notion of discrimination, bans discrimination and establishes responsibility for it, except for the Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women, which defines the notion of discrimination in the context of gender only (section 1(3)). While the Code of Administrative Offences and the Criminal Code establish responsibility for discrimination, the FEWU states that the lack of a comprehensive and universal definition of discrimination often leads to a situation where the law enforcement officers dealing with discrimination are unable not only to provide protection but even to identify it. The FEWU indicates that

the prospects of establishing discrimination within the framework of criminal, administrative or civil law are therefore extremely meagre, Kazakhstan lacks sufficient institutional and procedural guarantees to protect rights and freedoms in cases of discrimination, and discriminatory actions are treated as offences only in criminal and administrative law. Noting the existence of a constitutional and legislative framework in relation to discrimination, including in employment and occupation, the Committee wishes to draw the attention of the Government to the fact that the full implementation of the Convention usually requires the adoption of comprehensive legislation defining and prohibiting direct and indirect discrimination, and that a number of features in legislation contribute to addressing discrimination and promoting equality in employment and occupation more effectively: coverage of all workers (no exclusions); provision of a clear definition of direct and indirect discrimination, and of sexual harassment; prohibition of discrimination at all stages of the employment process; explicit assignment of supervisory responsibilities to competent national authorities; establishment of accessible dispute resolution procedures; establishment of dissuasive sanctions and appropriate remedies; shifting or reversing of the burden of proof; provision of protection from retaliation; affirmative action measures; and provision for the adoption and implementation of equality policies or plans at the workplace, as well as collection of relevant data at different levels (see the 2012 General Survey on the fundamental Conventions, paragraphs 854–855). ***The Committee asks the Government to take every necessary step to ensure that workers are protected, in both law and practice, from both direct and indirect discrimination on all the grounds enumerated in Article 1(1)(a) of the Convention. The Committee also requests the Government to provide copies of any judicial or administrative decisions relating to cases of direct and indirect discrimination in violation of section 6 of the Labour Code.***

Equality of opportunity and treatment for national, ethnic and religious minorities. The Committee notes that in response to its previous request, the Government indicates that in accordance with article 33(4) of the Constitution, citizens of the Republic of Kazakhstan shall have an equal right to serve in public office. The Government also states that pursuant to section 15(1) of the Civil Service Act, admission to a civil service position is based on a competition, and that under section 17(1) of the same Act, citizens applying for civil service positions shall meet the established qualification requirements. It indicates that citizens are entitled to participate in competitions for vacant positions if they have the appropriate education, competence and work experience, and therefore selection for public service is carried out solely on a competitive basis and does not provide for any form of privileges or quotas in the selection procedure. While noting this information, the Committee observes that the Government has not provided data with respect to the distribution of various minorities in the public and private sector. In that regard, the Committee wishes to recall that in the absence of collection and publication of employment statistics disaggregated by national, ethnic and religious origin, the impact of measures taken to address the inequalities disproportionately affecting certain groups and members of those groups (because of their race, colour, national extraction, social origin, religion, and so on) remains uncertain in most cases (2018 general observation on discrimination based on race, colour and national extraction). The Committee wishes to point out that qualitative research on the nature and extent of labour inequalities, including their underlying causes, is crucial in order to design and implement a relevant and effective national equality policy under *Articles 2* and *3* of the Convention, and to monitor and evaluate its results. ***The Committee urges the Government to: (i) take the necessary measures to collect and analyse data, disaggregated by sector and occupation, illustrating the distribution of men and women belonging to various minorities in the public and private sectors, as well as their participation in the various levels of vocational training and education; (ii) provide information on the measures taken to ensure equal opportunities and treatment for national, ethnic and religious minorities in employment and occupation, including awareness-raising measures and measures to address stereotypes; and (iii) provide information on any cases of ethnic discrimination in the field of employment and occupation reported to the labour inspectorates or dealt with by the courts.***

Articles 2 and 3. National equality policy. In reply to its previous request, the Committee notes the Government's indication that all men and women have equal rights to participate in active employment promotion measures and that, at present, employment creation is being implemented within the framework of the National Entrepreneurship Development Project for 2021–2025 (hereinafter the National Project). As of 1 September 2023, 278,100 women were participants in the National Project. The Government also indicates that in July 2021, a single portal of short-term online training in skills in demand in the labour market was launched (https://skills.enbek.kz) and is available to any citizen of the Republic wishing to learn in-demand skills or improve their qualifications. As of 1 September 2023, 21,900 women were engaged in online training, of whom 19,900 received the certification. Since 2022, training with respect to the basics of entrepreneurship under the Bastau Business project has been automated and implemented through the skills portal. With respect to the professional situation of people with disabilities, the Government indicates that three mechanisms are currently being implemented. First, job quotas for persons with disabilities have been established. In accordance with the Social Code of the Republic of Kazakhstan, local executive authorities ensure the implementation of the state employment promotion policy by setting job quotas for persons with disabilities (2 to 4 per cent of the total number of jobs, excluding jobs in heavy work or with harmful or hazardous working conditions). At the end of the second quarter of 2023, 7,900 people were employed under this framework. Secondly, a procedure for subsidizing employers' costs associated with equipping a special workplace for the employment of persons with disabilities has been introduced, and the wages for these employees are subsidized for three years. Thirdly, active measures to promote employment as part of the National Project benefit job seekers, the unemployed and other categories of citizens, including persons with disabilities, who may undergo short-term training courses on specializations and qualifications in demand in the labour market, on-the-job training, and online training on the basis of the Electronic Labour Exchange; and obtain state grants for the realization of business ideas. Young people may also participate in the Youth Internships, First Job and Contract of Generations projects to gain initial work experience in their specialization. The Government indicates that since 2023, grants of up to 400 times the Monthly Calculation Index (MCI – 1 million Kazakhstan tenge for business development have been provided to socially vulnerable groups, which include recipients of targeted social assistance and benefits for their spouses and/or large families; social benefits for loss of a breadwinner; migrants; Kandases; persons with disabilities whose ability to work is not contraindicated; persons raising a child with a disability (children with disabilities), and/or their spouses. The Government states that as of 1 September 2023, 34,316 people had applied to participate in the National Project, and employment promotion measures covered 24,866 persons with disabilities. The Committee notes that in its concluding observations of 2024, the United Nations Committee on the Rights of Persons with Disabilities (CRPD) welcomed the measures taken by the State Party to implement the Convention after its ratification in 2015, notably the 2019 National Plan to ensure the rights and improve the quality of life of persons with disabilities, which includes measures to render the physical environment and education accessible, and improve economic self-sufficiency, quality employment and social services. However, the Committee notes the concerns expressed by the CRPD with regard to: (1) unemployment among persons with disabilities, which is particularly pronounced for persons with disabilities facing multiple and/or intersectional discrimination; limited access of persons with disabilities to jobs in the private sector; and barriers to accessibility in the workplace; and (2) insufficient vocational training and retraining for persons with disabilities in employment (CRPD/C/KAZ/CO/1, 19 April 2024, paragraphs 5 and 57). ***The Committee requests the Government to: (i) continue providing information on any legal and practical measures adopted to promote equality of opportunity and treatment of persons with disabilities and address the remaining barriers they face in accessing training and employment in both the public and private sectors, as well as provide any assessment made of the impact of these measures; and (ii) provide information on measures taken in relation to the professional situation of rural women, and their impact, as previously requested.***

Article 5. Special protection measures. Restrictions on the employment of women. The Committee notes with ***interest*** the Government's indication that the Act of 12 October 2021 on Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on the Social Protection of Certain Categories of Citizens abolished the list of jobs in which women's labour are restricted. It further adds that this was confirmed by Order of the Ministry of Labour and Social Protection of the Republic of Kazakhstan No. 464 of 10 December 2021. The Committee welcomes the Government's indication that the Ministry of Labour and Social Protection together with the National Commission on Women's Affairs and Family and Demographic Policy (hereinafter, "the National Commission") organized a meeting on 4 June 2021 with the participation of the Human Rights Ombudsman, international experts, and representatives of trade unions and the business community in order to publicly discuss the abolition of the list with target groups, as well as to explain the rights and obligations of both employers and female workers. In addition, territorial labour inspectors organized awareness-raising activities with the public and employers. The Government indicates that 1,171 seminars were held and more than 660 media appearances were made to explain labour legislation and the abolition of the list. A press release on the abolition of the list was posted on the official website and social media networks of the Ministry of Labour and Social Protection and was sent to the media. ***The Committee welcomes this information and asks the Government to provide information on the number of women who have accessed the jobs on the recently abolished list.***

Enforcement and access to legal remedies for victims of discrimination. The Committee notes the ITUC's statement that employees face discrimination when they attempt to protect their rights by filing a complaint or lawsuit, organize collective action, etc., resulting in dismissal or other repressive or retaliatory action by the employer, and that protection against victimization should therefore be ensured. The Committee also notes that the FEWU raises similar concerns regarding the risk to whistleblowers who might be held responsible, which remains a significant barrier for public disclosure of violations, and the lack of effective legal remedies safeguarding rights in cases of workplace harassment. The Committee notes the Government's reply that matters relating to sexual harassment, including accusations, investigation, establishment of facts, and determination of guilt and liability, are the prerogative and obligation of the law enforcement and judicial authorities, and not of employers, who do not possess the qualifications, experience and powers to conduct the above procedures in a lawful, qualitative and effective manner. It further indicates that a group of experts comprising representatives of state authorities, social partners, scientific and public organizations, and major companies, has been set up, attached to the Ministry of Labour and Social Protection, to analyse existing labour legislation enforcement, and provide comprehensive examination and consideration of the views of social partners and the business community. The Government adds that proposed standards require detailed preliminary analysis of international experience in this area and the organization of public hearings. ***The Committee requests the Government to: (i) provide information on the development of provisions providing for sanctions and remedies, and protecting against victimization; (ii) take measures to increase the capacity of the competent authorities, including labour inspectors, to prevent, identify and address cases of discrimination in employment and occupation, including sexual harassment; and (iii) take the necessary steps to prevent sexual harassment in the workplace, including measures to raise awareness of workers, employers and their organizations regarding available remedies.***

Lao People's Democratic Republic

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 2008)

Previous comment

The Committee notes the observations of the Lao National Chamber of Commerce and Industry (LNCCI) and the Lao Federation of Trade Unions (LFTU) communicated with the Government's report. It also notes the observations of the International Organisation of Employers (IOE) received on 30 August 2024, which reproduce the statements made in June 2024 before the Conference Committee on the Application of Standards by the Employer spokesperson and national employers' representatives.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the detailed discussion which took place at the 112th Session of the International Labour Conference (June 2024) concerning the application of the Convention by the Lao People's Democratic Republic, as well as the conclusions adopted. The Conference Committee noted with concern, that 16 years after the ratification of the Convention, the Government has yet to take the necessary steps to bring its legislation fully into conformity with its provisions. Taking the discussion into account, the Conference Committee urged the Government, in consultation with employers' and workers' organizations, to take effective measures to:

- clearly define direct and indirect discrimination in law;
- clearly define, prevent and prohibit sexual harassment in both employment and occupation and ensure that protections and adequate remedies for victims of harassment are provided for in law and practice;
- ensure that the Ministerial Decision on Domestic Workers is aligned with Convention No. 111 by expressly listing the grounds for prohibited discrimination in accordance with *Article 1(1)(a)*;
- ensure that the prohibitions of discrimination contained in *Article 1(1)(a)* apply to civil servants and that those protections as contained in the Labour Law and related legislation cover both employment and occupation;
- amend the 2014 Labour Law to expressly prohibit discrimination in employment and occupation on at least all the grounds set out in *Article 1(1)(a)* of the Convention, including sex;
- provide information on the application in practice of: (i) article 83(4) of the Labour Law, which allows a worker to bring an end to the employment contract in the event of sexual harassment; and (ii) article 143(4), which prohibits employers from violating the personal rights of employees, including with respect to cases of sexual harassment.

Finally, the Conference Committee requested the Government to provide a detailed report on the measures taken to implement the Convention in law and practice, notably the above-mentioned recommendations, and progress achieved before the deadline of 1 September 2024.

Article 1 of the Convention. Legislative reform. Definitions. Scope of application. In its report, the Government emphasizes that over the past 16 years, it has concentrated its efforts on advancing the nation's socio-economic development to enhance living conditions for its citizens. This is being implemented through the adoption of a sustainable development strategy aimed at eradicating poverty and positioning the country to graduate from the list of least developed nations by 2030. Simultaneously, the Government has implemented legislative reforms to strengthen the judicial system and legislative institutions, with the goal of fostering effective governance and promoting an equitable and just society. The Government, however, acknowledges the existence of legislative gaps and recognizes the need to improve and adjust its labour legislation framework in alignment with the country's developmental context and ratified international instruments. The Government informs the

Committee that, following the discussion at the Conference Committee on the Application of Standards, it is planning to amend the current 2014 Labour Law within a timeline spanning 2026 to 2030. The Committee notes that the Government commits: (1) to amend the 2014 Labour Law by clearly stating that discrimination in employment and occupation as defined in *Article 1(1)(a)* of the Convention is prohibited; (2) to define more clearly in the Labour Law direct and indirect discrimination in employment and occupation; (3) to incorporate a clear definition of sexual harassment in employment and occupation, as well as provisions on prevention and prohibition of sexual harassment, including protection of victims; (4) to apply the prohibition against discrimination in employment and occupation set forth in *Article 1(1)(a)* of the Convention to civil servants; and (5) to ensure that the content of the Ministerial Decision on Domestic Workers No. 4369/MOLSW will be amended and aligned with the Convention definition of protection against discrimination enshrined in *Article 1(1)(a).* The Committee welcomes the Government's commitment to incorporating the conclusions of the Conference Committee in the Labour Law or other appropriate legislative texts, in consultation with social partners. In this regard, it wishes to recall the importance of: (1) adopting a clear and comprehensive definition of what constitutes discrimination in employment and occupation, aligned with the broad definition contained in *Article 1(1)(a)* of the Convention, in order to identify and address the many manifestations in which it may occur, that is in law or in practice, directly or indirectly. The Convention protects against all discrimination based on at least all the grounds set out in *Article 1(1)(a)* (not only gender), that affect equality of opportunity and treatment in employment and occupation; (2) clarifying that the prohibition of discrimination should apply to all aspects of employment and occupation. Under *Article 1(3)* of the Convention "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment (see the 2012 General Survey on the fundamental Conventions, paragraphs 743–760); and (3) ensuring that the definition of sexual harassment contains the following two elements: (a) any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men which is unwelcome, unreasonable and offensive to the recipient and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job (quid pro quo or blackmail); and (b) conduct that creates an intimidating, hostile or humiliating working environment for the recipient (hostile work environment).

Discrimination based on sex. Sexual harassment. In response to the Committee's request for information on the application in practice of article 83(4) of the 2014 Labour Law, which allows a worker to bring an end to the employment contract in the event of sexual harassment; and article 143(4), which prohibits employers from violating the personal rights of employees, including with respect to cases of sexual harassment, the Government indicates that, in 2023, labour inspectors across the country inspected 2,600 workplaces and mediated 82 cases of labour disputes but no cases of sexual harassment have been referred to them. Should a case of sexual harassment in the workplace be found, it would be processed according to article 179 of the Labour Law (Measures against violators of the Labour Law) and the 2017 Penal Law. On this point, the Committee notes that the Decent Work Country Programme (DWCP) for the Lao People's Democratic Republic, 2022–2026, emphasizes that sexual harassment remains a serious issue in workplaces and envisages the development of a sexual harassment policy and anti-harassment committees. The Committee recalls that it considers that legislation under which the sole redress available to victims of sexual harassment is termination of the employment relationship, while retaining the right to compensation, does not afford sufficient protection for victims of sexual harassment, since it in fact punishes them and could dissuade victims from seeking redress. Furthermore, it wishes to highlight that the absence of complaints regarding sexual harassment does not necessarily indicate that this form of sex discrimination does not exist; rather, it is likely to reflect the lack of an appropriate legal framework, the lack of awareness, understanding and recognition of this form of sex discrimination among government officials, and workers and employers and their organizations, as well as the lack of access to or the inadequacy of

complaints mechanisms and means of redress, or fear of reprisals. It therefore reiterates the importance of providing for adequate sanctions and remedies. On these matters, the Committee refers the Government to its general observation adopted in 2002 and its 2012 General Survey, paragraphs 789–794).

The Committee asks the Government to report on any progress achieved to bring its legislation fully into conformity with the provisions of the Convention by ensuring that all the grounds formally prohibited by the Convention in its Article 1(1)(a) are incorporated in the revised Labour Law, and urges it to initiate this process without delay. Pending the implementation of the forthcoming legal reforms, the Committee urges the Government: (i) to enhance the capacity of the competent authorities, including judges, labour inspectors and other public officials, to identify and address cases of discrimination on at least the prohibited grounds specified in the Convention (race, colour, sex, religion, political opinion, national extraction or social origin); (ii) to assess whether the applicable substantive and procedural provisions, in practice, allow claims to be brought forward successfully; and (iii) to communicate information on any court or administrative decisions regarding the enforcement of non-discrimination legislation, as well as on any relevant complaints reported to or violations detected by the labour inspectorate. Noting the Government's commitment to apply the prohibitions on discrimination outlined in Article 1(1)(a) of the Convention to civil servants, the Committee seeks clarification on whether it also plans to amend the Law on Government Officials No. 74/NA of 2015, in addition to the 2014 Labour Law. Please provide information on the formulation of a sexual harassment policy, as mentioned above.

Article 1(1)(b). Additional grounds of discrimination. The Committee recalls that the 2014 Labour Law no longer prohibits discrimination on the grounds of nationality, age or socio-economic status, which were previously included in the 2007 Labour Law and that it had expressed its concerns that, upon the adoption of new labour legislation, previously available protection against discrimination based on additional grounds has been withdrawn. As regards foreign workers, it notes that during the discussion before the CAS, the Government stressed that it does its best to provide equal labour rights and benefits to foreign workers and underlined that the rights and benefits of these workers are protected under article 8 of the Ministerial Decision on the Permission of Foreign Employees Working in Lao PDR No. 3667/MOLSW (adopted on 27 September 2023). However, the Committee observes that article 8 content is quite similar to Article 69(1) of the Labour Law and notes with ***regret*** that the Government has not provided information regarding protection against discrimination on the grounds of age and particularly "socio-economic status". This latter is very close to the concept of "social origin" as understood in the context of the Convention and, in some cases, may be used interchangeably with it (see in this regard, the 2012 General Survey, paragraphs 802–804). ***In the context of the legislative reforms mentioned above, the Committee asks the Government to consult employers' and workers' organizations, with a view to look into the possibility of maintaining the same level of protection against discrimination on the basis of grounds previously contained in the 2007 Labour Law with respect to all aspects of employment and occupation.***

Article 4. Activities prejudicial to the security of the State. The Committee notes with ***deep concern*** that, during the discussion at the Conference Committee on the Application of Standards, the Government has merely reiterated that, under article 39 of the 2015 Constitution, "Lao citizens have the right to work and engage in occupations which are not contrary to the laws", and not provided any information on the practical application of article 117 of the new Penal Law (2017) which establishes a very broad prohibition of activities considered to be prejudicial to the security of the State. ***As a consequence, the Committee reiterates its previous requests and urges the Government: (i) to take the necessary measures to communicate information on the application in practice of article 117 of the 2017 Penal Law; and (ii) to indicate the steps taken to ensure that these provisions do not, in practice, result in discrimination in employment and occupation on the basis of political opinion, including information on any complaints made by employees or extracts of any court decisions in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Libya

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1961)

Previous comment: observation

Previous comment: direct request

The Committee notes the complexity of the situation prevailing on the ground and the armed conflict in the country.

Articles 1 and 3(b) of the Convention. Definition of discrimination. Draft Constitution. The Committee recalls that, in its conclusions at its 108th Session in 2019, the Conference Committee on the Application of Standards, asked the Government to amend article 7 of the draft Constitution to ensure that the grounds of race, national extraction and social origin are included as prohibited grounds of discrimination. It notes, from the Report of the Working Group on the Universal Periodic Review (UPR) that the attack on the capital, on 4 April 2019, prevented the completion of the constitutional reform (A/HRC/46/17, 5 January 2021, paragraph 11). ***The Committee hopes that completion of the constitutional reform will resume shortly and that the Government will take all the necessary measures to ensure that the draft Constitution is amended to include the grounds of race, national extraction and social origin as prohibited grounds of discrimination. It asks the Government to provide information on any developments in this regard.***

Labour legislation. ***Noting that the Government merely repeats the information previously provided, the Committee once again requests the Government to: (i) take measures to ensure that the national labour legislation includes a clear and comprehensive definition of discrimination in employment and occupation covering at least all the grounds set out in Article 1(1)(a) of the Convention; and (ii) provide information on any progress achieved this respect.***

Articles 1 to 3. Discrimination on the basis of race, colour and national extraction. Sub-Saharan migrant workers. The Committee recalls that in its conclusions, the Conference Committee on the Application of Standards asked the Government to: (1) ensure that migrant workers are protected from ethnic and racial discrimination and from forced labour; (2) educate and promote equal employment opportunities for all; (3) take immediate action to address the situation of racial and ethnic discrimination against migrant workers from sub-Saharan Africa (including women migrant workers) and, in particular, put an end to forced labour migration practices; and (4) conduct surveys to examine the situation of vulnerable groups, including migrant workers, in order to identify their problems and possible solutions.

The Committee notes, from the Report of the Special Rapporteur on violence against women and girls, its causes and consequences, that refugees and asylum-seekers are considered as migrants in an illegal situation, resulting in the automatic detention of migrants, and that, as a result of their criminalization, migrants in Libya are also systematically deprived of access to justice and economic, social and cultural rights, including health, education, social protection, decent work and an adequate standard of living (A/HRC/53/36/Add. 2, 4 May 2023, paragraph 61). The Committee further notes, from the UPR Report that the Government: (1) worked to dismantle trafficking in persons and illegal immigration networks and to prosecute perpetrators of trafficking in persons, including the imposition of travel bans and asset freezes; and (2) cooperated with the International Organization for Migrations (IOM) and the United Nations High Commissioner for Refugees (UNHCR), to eliminate obstacles to migrants' basic rights (A/HRC/46/17, paragraphs 21, 22, 46 and 69). However, the Committee notes, from the IOM Libya Migrant Report Round 41 (February–April 2022), that among migrants with children, around half (49 per cent) reported that their school-aged children lacked access to education, the main barriers to accessing education were related to a lack of documents (86 per cent), language barrier

(72 per cent) and the lack of financial resources (72 per cent). The Committee ***deplores*** the absence of information provided by the Government in this regard and recalls that migrant workers from sub-Saharan Africa are severely discriminated against and unable to seek justice for fear of being detained for illegal entry and stay. ***Once again, the Committee urges the Government to: (i) take prompt action to address the situation of racial and ethnic discrimination against migrant workers from sub-Saharan Africa, including measures to ensure that the legislation on non-discrimination is applied in practice, that migrant workers subject to discrimination in employment and occupation have access to remedies, irrespective of their legal status in the country; and (ii) actively raise awareness of and promote equal employment opportunities for all. The Committee hopes that the Government will take all necessary measures to this end and once again asks the Government to provide information in this respect.***

Article 2. Lack of national policy on equality. The Committee notes that, once again, the Government has not provided information on the progress achieved in adopting a national policy on equality. In this regard, it once again draws the Government's attention to paragraphs 841 to 844 of its 2012 General Survey on the fundamental Conventions. ***The Committee therefore once again asks the Government to take steps to declare and pursue a national policy on equality of opportunity and treatment in employment and occupation with respect to all the protected grounds enumerated in Article 1(1)(a) of the Convention, covering all aspects of employment and occupation (including access to vocational training, employment and particular occupations, and terms and conditions of employment).***

Equality of opportunity and treatment between women and men with respect to employment and occupation. The Committee notes that, in its report submitted during the third cycle of the UPR in 2020, the Government indicates that: (1) it has established Women Empowerment Units within the Presidency Council and all ministries; (2) the representation of women in judicial positions has exceeded 40 per cent; (3) the presence of women in university education has exceeded that of men; and (4) the proportion of women working in the public sector has exceeded 50 per cent (A/HRC/WG.6/36/LYB/1, 18 August 2020, paragraphs 61 and 63). The Committee further notes, from the Report of the Working Group on the UPR on Libya that the Government carried out awareness-raising campaigns on gender equality (A/HRC/46/17, 5 January 2021, paragraph 144). The Committee further notes, from the 2023 Report of the Special Rapporteur on violence against women and girls, its causes and consequences, that: (1) over the years, women and girls have been disproportionately affected by the broader effects of the armed conflict, placing them at increased risk of poverty, discrimination and violence; (2) although there are some female judges (18.5 per cent as of 2018), women are still vastly underrepresented in top-ranking positions in the justice sector (7 per cent); and (3) the Special Rapporteur expressed concern that women continue to be underrepresented in political and public life, particularly in decision-making bodies, including the executive branch and the diplomatic and public service. Referring to a survey, the Special Rapporteur highlighted that almost 60 per cent of women survey felt deterred from participating in the public sphere as a result of attacks on women, reported to be in the form of bullying, threats, defamation, hate campaigns, forced disappearances, murder and other forms of violence to discourage and intimidate women from public participation or to punish them for voicing their opinions (A/HRC/53/36/Add.2, 4 May 2023, paragraphs 11, 31, 48 and 49). ***Taking into consideration the above-mentioned reasons for women's low participation in political life, the Committee asks the Government to take measures to protect women and encourage their participation in political life. It further requests the Government to continue to: (i) undertake awareness-raising activities to address the stereotypical views of women's capabilities and their roles in society; and (ii) provide information on the impact of such activities in terms of the number of persons who may have been reached and statistical data on the participation of women and men in public and political life. Finally, the Committee once again asks the Government to provide information on the mandate of the Women's Empowerment Units as well as on their actions to specifically promote women's participation in employment and occupation.***

Technical assistance. ***Recalling the three projects on hold for which the Government was meant to receive ILO technical assistance, the Committee requests the Government to engage and actively participate in ILO technical assistance, and to provide information on its resumption and results.***

The Committee is addressing other matters in a request addressed directly to the Government.

Lithuania

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1994)

Previous comment

Article 3 of the Convention. Objective job evaluation. In response to the Committee's previous request to provide information on any measures taken or envisaged to promote wage transparency, the Government indicates that transparency and legislative measures to address the gender pay gap through the job evaluation system have been taken, including: (1) the amendments to the Law on State Social Insurance in 2021, which allow the Social Security Fund to publish gender-differentiated earnings of enterprises; and (2) the publication of a table with the codes of all companies and average wages for men and women, provided the company has at least eight employees and includes more than three women and more than three men. It notes however that there is no update on the Tripartite Council of 2015 suggestion to review the 2005 methodology of the assessment of jobs and positions. The Committee further takes note the Government's statement that, during inspections in 2022, the State Labour Inspection identified several issues in many companies, such as: (1) a significant wage disparities between the minimum and maximum wages within the same employee category; (2) a lack of objective criteria for determining specific wage amounts, leading to decisions on wages, allowances, and bonuses being made by the employee's direct manager or the head of the company on the basis of non-transparent criteria; and (3) a tendency to segregate men and women into different company divisions, with women often placed in the lowest-paying departments. The Committee observes that the Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between women and men through pay transparency and enforcement mechanisms (EU Pay Transparency Directive) entered into force on 6 June 2023, and that EU Member States must implement it within three years. ***In light of the persistent gender pay gap, the Committee urges the Government to provide information on: (i) any progress regarding the review of the methodology for the assessment of jobs and positions; (ii) the impact on the transparency of the remuneration systems of the amendments to the Law on State Social Insurance in 2021, and the publication of the table with average wages for men and women for all companies; and (iii) the effective application of section 140(5) of the Labour Code which provides that the remuneration system must be designed in such a way as to avoid any gender discrimination or discrimination based on other grounds. The Committee requests the Government to provide information on the transposition of the EU Pay Transparency Directive into the national legal framework and its implementation.***

Article 4. Cooperation with workers' and employers' organizations for the purpose of giving effect to the Convention. The Committee observes that no information has been provided on the steps taken, in cooperation with the social partners, to promote the principle of the Convention in branch, territorial, and enterprise negotiations. ***Consequently, it once again urges the Government to communicate information on the application of section 140(3) of the Labour Code which provides that remuneration systems are determined by collective agreement or, in the absence of such agreement (in workplaces with an average number of at least 20 employees) that they can be approved by the employer after information and consultation procedures, and be accessible to all employees. The Committee again asks the Government to provide relevant extracts of collective agreements containing provisions that reflect the principle of the Convention.***

The Committee is raising other matters In a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1994)

Previous comment

Articles 2 and 3 of the Convention. Equality of opportunity and treatment for men and women. In its report, the Government indicates that it has been implementing measures to advance equal opportunities and gender equality, emphasizing that: (1) through the Ministry of Education, Science and Sport, it is seeking to encourage young women and men to choose studies and professions ignoring gender stereotypes and working on recommendations for career development based on textbooks that are not biased in terms of gender, age, disability, abilities, social status, race, nationality, ethnic dependency, origin, language, religion, faith, sexual orientation, belief, convictions or views; (2) in 2021, it adopted the Development Program for Social Cohesion and Family Policy Strengthening (2021–2030); (3) in 2022, advancement measures for equal opportunities and gender equality envisioning the improvement of legal protection from discrimination were adopted along measures to improve competences of civil servant and communication campaigns to reduce inequalities; and, (4) through the "Change in Business, Public Sector, Society – New Standards for Reducing Discrimination" Project: articles, publications and memoirs on equal opportunities were produced and published (e.g. "Adaptation for people with disabilities – how to implement it in the workplace"; "Mental health at work"; "Deployment of equality policies in organisations"; "Equal opportunities in the workplace"; etc.), which provide practical insights and guidance to employers and human resource professionals on how to ensure a safe and inclusive working environment. The Committee takes note of the information related to the distribution of men and women in employment, disaggregated by economic sector and occupation, and observes the predominance of women in sectors such as retail (54.67 per cent), food service (73.71 per cent), financial (63.81 per cent), education (78.12 per cent), and human health (83.47 per cent), and predominance of men in sectors such as agriculture, forestry, and fishing (68.32 per cent). ***Noting the persistence of occupational gender segregation, the Committee urges the Government to step up its efforts to effectively address stereotypes of the roles and responsibilities of women and men in the family and society, as well as occupational gender segregation. Once again, it asks the Government to provide any information on the concrete impact of the adopted measures, as well as on the application in practice of section 26(6) of the Labour Code, under which employers with more than 50 employees are required to adopt and publish measures to promote the principle of equality of opportunity and treatment. In this regard, the Committee asks the Government to indicate the difficulties encountered on the ground to integrate women and men in sectors where they are currently under-represented.***

Equality of opportunity and treatment in respect of employment and occupation irrespective of race, colour and national extraction. Roma. The Committee welcomes the information provided by the Government that the number of non-Roma Lithuanians who do not wish: (1) to have a Lithuanian Roma person as a neighbour decreased from 64 to 59 per cent from 2017 to 2022; or (2) to work with a Lithuanian Roma person decreased from 48 to 31 per cent in the same period. Also, according to media monitoring surveys, the negative information about the Roma minority decreased from 24 to 20.7 per cent from 2021 to 2022, whereas positive information increased from 8 to 25 per cent in the same period. The Government indicates that: (1) the percentage of Roma children (age group 3–6) who attended preschool education increased from 33 to 50 per cent from 2015 to 2020; (2) the number of students who did not complete compulsory education decreased from 14 to 6 per cent from 2015 to 2020; (3) the percentage of illiterates and persons without primary education in the age group 20–29 decreased from 11 to 4 from 2015 to 2020. In the same period, the number of young Roma people with primary education increased from 22 to 30 per cent and with secondary education from 8 to 18 per cent; (4) the percentage of Roma population who are covered by compulsory health insurance increased from

76 to 96 per cent from 2011 to 2021; (5) there have been efforts made to address hate speech, such as providing training to police officers, creating working groups to promote an effective response to hate crime and hate speech, and keeping track of statistics related to incitement to hatred; (6) the largest share of Roma people actively working is the 20–29 age group, which has increased its participation in the labour market from 29.7 to 42 per cent since 2015; and (7) the implementation between 2016 and 2023 of the "Let's Work Together with the Roma – New Work Opportunities and Challenges" project benefited to 350 Roma people through various integration measures, including vocational training, legal consultation, and support for social businesses, resulting in 40 per cent of the participants obtaining employment. Finally, the Committee notes that according to preliminary data from the Department of Statistics mentioned in the Action Plan for Integration of Roma into Lithuanian Society (2022–23): 2,077 Roma people lived in the country in 2021 (1,093 females and 984 males, i.e. 0.8 per cent of the Lithuanian population) and that the number of Roma in the country has steadily declined and that, since 2001, the decline in the Roma population has exceeded the overall national average. ***The Committee asks the Government to redouble its efforts to: (i) combat effectively the stigma and discrimination suffered by the Roma, (ii) promote and protect the rights of the Roma; and (iii) foster equal opportunities and treatment in employment and occupation. Please continue to provide statistical information on the impact of these measures and, if pertinent, on the difficulties encountered in implementing the Government equal opportunity and treatment policy with regard to Roma.***

The Committee is raising other matters in a request addressed directly to the Government.

Luxembourg

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 2001)

Previous comment

Article 1(1)(a) and (b) of the Convention. Prohibited grounds of discrimination. Legislation. In its report, the Government indicates that it is awaiting the position of the newly-elected authorities (8 October 2023) with regard to the requests for legislative amendments made by the Committee in its previous comment. In this respect, the Committee notes that the United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed its concern that, despite the latest legislative amendments in 2017, the Act of 28 November 2006 on equal treatment, the 2006 Labour Code, the Act of 16 April 1979 establishing the general status of State officials, and the Act of 24 December 1985 establishing the general status of municipal officials still do not prohibit discrimination on the basis of colour and descent (CERD/C/LUX/CO/18-20, paragraphs 11 and 12). It also notes that in March 2022 a study on racism and ethno-racial discrimination, conducted by researchers of the Institute of Socio-economic Research (LISER) and the Centre for Intercultural and Social Studies and Training (CEFIS) was presented to Parliament. The study found that, inter alia, the national legal framework should be strengthened and access to justice improved, actions and training to combat racism and discrimination and to promote the advantages of diversity within enterprises should be provided, and racism and discrimination should be fought with and through education. ***The Committee requests the Government to provide detailed information on any steps taken or envisaged to enable workers to effectively exercise their rights in relation to discrimination based on the grounds listed in Article 1(1)(a) of the Convention. It once again urges the Government to take the necessary steps to amend the list of grounds of discrimination prohibited by the Labour Code (section L.241-1), the Act of 16 April 1979 establishing the general status of State officials (section 1 bis) and the Act of 24 December 1985 establishing the general status of municipal officials (section 1 bis) to include the grounds of colour, political opinion, national extraction and social origin. Lastly, the committee requests the Government to provide information on any progress made in this regard; on the number of administrative and judicial decisions handed down by***

the competent authorities on cases or complaints of discrimination in employment and occupation, including on the basis of section 454 of the Penal Code, specifying the grounds of discrimination, the remedies granted and the penalties imposed.

The Committee is raising other matters in a request addressed directly to the Government.

Madagascar

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1962)

Previous comment

Articles 1(b) and 2(2)(a) of the Convention. Equal remuneration for work of equal value. Legislation. Further to its previous comment, the Committee notes with ***satisfaction*** that section 83 of Act No. 2024-014 of 14 August 2024 issuing the Labour Code now adequately ensures equal remuneration for work of value, including in the case of "work of a different nature but nevertheless of equal value". ***The Committee requests the Government to provide information on the application of Section 83 of the Labour Code, including any guidance it issued, any complaints that arose under it, and any court proceedings settled or ongoing.***

Public service. ***Noting that General Public Service Regulations are in the process of being drawn up, the Committee requests the Government to take all the necessary measures to ensure that these Regulations also give full effect to the principle set out in the Convention and to provide information on any progress achieved in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1961)

Previous comment

Article 1(1)(a) and (b) of the Convention. Prohibited grounds of discrimination. Private sector and public service. Further to its previous comment, the Committee notes with ***satisfaction*** that, following the adoption on 14 August 2024 of Act No. 2024-014 issuing the Labour Code, the legislation now explicitly prohibits discrimination on the basis of all the grounds enumerated by the Convention, including colour and social origin, and that it explicitly covers indirect discrimination. Indeed, henceforth: (1) "any form of direct or indirect discrimination in employment or occupation" is prohibited (section 6); (2) both direct and indirect discrimination are defined (section 8); and (3) discrimination is defined as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction (which covers discrimination suffered by nationals on the basis of their country of birth, ancestry or origin) or social origin, state of health, disability, trade union membership, age, life style and family situation, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation" (section 7). With reference to the public service, the Committee welcomes the indication in the Government's report that section 23 of the preliminary draft Bill issuing the General Public Service Regulations (SGAP) provides that, in the application of the Regulations, there shall be no discrimination on the basis of gender, race, colour, religion, opinion, national extraction, social origin, family relations and political beliefs, etc. ***The Committee requests the Government to: (i) ensure that the SGAP explicitly prohibits discrimination in employment and occupation, both direct and indirect, on the basis of all the grounds enumerated in the Convention; (ii) provide information on any progress achieved in the adoption of these Regulations; and (iii) provide information on the application of Act No. 2024-014, including any guidance it issued, any complaints that arose under it, and any court proceedings settled or ongoing.***

Discriminatory job vacancy announcements. ***In the absence of information in reply to this point, the Committee urges the Government to: (i) take all the necessary measures to prohibit any form of direct***

or indirect discrimination on the basis of all the grounds enumerated in the Convention, particularly religion and sex, in job vacancy announcements, including those disseminated by radio and in public notices; and (ii) provide information on any progress achieved in this regard.

Domestic workers. Further to its previous comment, the Committee notes with ***satisfaction*** that, under the terms of section 2, the new Labour Code applies to men and women domestic workers. However, the Committee notes that the Government has not provided information on the measures to facilitate the access of labour inspectors to the homes of private individuals employing domestic workers. ***The Committee therefore once again requests the Government to: (i) take all the necessary measures to ensure that men and women domestic workers benefit, not only in law, but also in practice, from the protection afforded by the provisions of the Labour Code, particularly those respecting non-discrimination and conditions of work; and (ii) provide information on any measures adopted or envisaged to facilitate the access of labour inspectors to the homes of private individuals employing domestic workers.***

The Committee is raising other matters in a request addressed directly to the Government.

Malaysia

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1997)

Previous comment

Articles 1(a) and (b), and 2 of the Convention. Equal remuneration for work of equal value. Legislation. The Committee notes with ***regret*** that, more than 20 years after the ratification of the Convention, the 2022 amendments to the Employment Act 1955 did not take account of the Committee's request to expressly incorporate the principle of equal remuneration for men and women for work of equal "value". It points out that retaining legal provisions that are narrower than the principle laid down in the Convention hinders progress in eradicating gender-based pay discrimination. Additionally, the Committee takes note of the concluding observations of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), asking the Government to enforce the principle of equal pay for work of equal "value", including by stipulating it in the Employment Act 1955 (CEDAW/C/MYS/CO/6, 6 June 2024, paragraph 39(c)). The Committee notes, from the Government's report, that the Minimum Wages Order 2022 establishes a uniform minimum wage rate across all sectors, types of employment, and regions, aiming to ensure equal remuneration for men and women. ***The Committee urges the Government: (i) to give full legislative expression to the principle of equal remuneration for men and women for work of equal "value"; and (ii) to allow for the comparison of not only the same jobs but also of work of an entirely different nature which is nevertheless of equal "value", taking into account that equality must extend to all elements of remuneration as indicated in Article 1(a) of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Mauritania

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1963)

Previous comment

Articles 1 to 3 of the Convention. Prohibition of discrimination. The Committee notes the Government's statement in its report that: (i) it will make all efforts to review, at the earliest opportunity, the definition of discrimination contained in section 1 of Act No. 2018-023 criminalizing discrimination so that it covers, without restriction, all of the grounds of discrimination set out in *Article 1* of the Convention; (ii) it will take measures where necessary to amend sections 4 and 20 of this Act in

accordance with *Article 1(3)* of the Convention. In the meantime, the Committee recalls that: (i) section 395 of the Labour Code sets forth the principle of non-discrimination in access to employment and covers the seven grounds provided for in *Article 1(1)(a)* of the Convention; (ii) section 20 of Act No. 2018-023, which also addresses discrimination in employment, covers a broader range of issues than simply access to employment (placement, vocation training, job offers, recruitment, compliance with the employment contract and dismissal), but only covers five of the seven grounds provided for by the Convention (the grounds of religion and of political opinion are not covered); and (iii) section 20 includes the grounds of disability and nationality in the list of grounds covered. The Committee emphasizes that a lack of clarity in the legal framework can give rise to interpretation difficulties. ***The Committee therefore requests the Government to ensure that any forthcoming legislative amendments will ensure sufficient clarity in the legal provisions against discrimination in employment and occupation, and will ensure their full conformity with the Convention. It requests the Government to provide information on the measures taken to this end.***

Discrimination on the basis of race, colour, national extraction and social origin. Former slaves and descendants of slaves. The Committee notes that the Government affirms its commitment to take the necessary measures to combat discrimination and stigmatization of former slaves and descendants of slaves. ***The Committee therefore once again requests the Government to take specific measures to: (i) eliminate stigmatization and discrimination, and particularly social prejudices, in relation to former slaves and descendants of slaves; (ii) promote equality in employment and occupation without distinction as to race, colour, national extraction or social origin; and (iii) encourage the education, training and employment of persons affected by stigmatization and discrimination based on race, colour, national extraction or social origin. It urges the Government to provide information on: (i) the measures adopted in this regard and the results achieved; and (ii) the implementation of the ILO project, "Empowerment for Resilience: Survivors Combat Slavery and Slavery-based Discrimination in Mauritania and Niger (2022–2026)".***

Discrimination based on sex. Sexual harassment. The Committee notes the Government's general statement that it is committed to taking the necessary measures to combat sexual harassment in employment and occupation. ***The Committee once again urges the Government to take effective measures in law and practice to: (i) define, prevent and prohibit sexual harassment in employment and occupation covering not only quid pro quo harassment, but also hostile working environment harassment; and (ii) inform and raise the awareness of workers, employers and their respective organizations, as well as labour inspectors and magistrates, concerning issues related to sexual harassment (prevention, treatment of cases, complaints procedures, assistance to and rights of victims, and so forth). It also requests the Government to provide information on the progress made in the legislative work on the Bill on violence against women and girls, to which the Government referred in a previous report.***

Equality of opportunity and treatment for men and women. Positive measures for women. The Government once again states in general its commitment to taking the necessary measures. ***Consequently, the Committee once again requests the Government to establish a real gender equality policy in employment and occupation, in collaboration with workers' and employers' organizations, and in particular to take specific measures to: (i) promote the access of women to a broader range of formal jobs, and particularly the jobs traditionally reserved for men and positions of responsibility, as a means of combating the horizontal and vertical occupational segregation of women and men; (ii) improve the access of women to productive resources, and particularly credit and land, and new technologies; (iii) take action to combat actively socio-cultural and gender stereotypes, particularly through awareness-raising campaigns; and (iv) improve the reconciliation of family and work-related responsibilities and the sharing of domestic responsibilities. It requests the Government to provide information on: (i) any measures taken in this regard and the results achieved; (ii) the implementation and results of the National Strategy for Gender Mainstreaming (2015–2025); (iii) the activities of the***

National Observatory on the Rights of Women and Girls in relation to employment and access to productive resources; and (iv) recent statistical data, disaggregated by sex, on the participation of women and men in the private and public sectors (public service and other public employment).

The Committee is raising other matters in a request addressed directly to the Government.

Montenegro

Equal Remuneration Convention, 1951 (No. 100) (ratification: 2006)

Previous comment: observation

Previous comment: direct request

Article 1 of the Convention. Equal remuneration for work of equal value. In its previous comments, the Committee noted that the new Labour Law adopted in 2020 did not give full legislative expression to the principle of equal pay for work of equal value. In particular, section 99 of the Labour Law defines work of equal value as work involving the *same* level of education or professional qualifications, responsibility, skills, conditions and results of work, which does not permit a broad scope of comparison between jobs that, while of an entirely different nature, are nevertheless of equal value. The Committee also noted that the Law (No. 16/16) on Salaries of Employees in the Public Sector of 2016 also limits the scope of job comparison in the public sector to the *same* or *similar* positions, or positions that require the *same* level or sublevel of qualifications (section 5). In its report, the Government provides very detailed information on how remuneration is determined in the country (through the legislation, collective agreements and employment contracts) and affirms that the method of calculating employees' wages leaves no room for discrimination based on gender. The Government emphasizes that the difference in earnings between men and women in practice can be caused by unequal number of hours of overtime work, night work, temporary inability to work, etc. In that regard, the Committee observes that these differences in pay between women and men are essentially based on factors that particularly affect women. Regarding section 99 of the Labour Law, the Government reiterates that, according to the Labour Law, work of the same "value" means work for which the *same* level of educational qualification is required, i.e. professional qualifications, responsibility, skills, working conditions and work results. The Committee notes however that amendments to the Labour Law are underway, and that although the primary objective is to harmonize it with the work–life balance Directive of the European Union which entered into force on 1 August 2019, the working group will also consider other changes in consultation with the social partners. ***The Committee hopes that the necessary amendments to the legal definition of work of equal "value" in the Labour Law and in the Law on Salaries of Employees in the Public Sector will soon be enacted to ensure the concept includes work that, while different in nature, is still equal in "value". It requests the Government to provide updates on any progress made in this regard. Additionally, considering the underlying causes of pay inequality mentioned above, and the important gender gaps in employment in the country (see the Committee's direct request under the Convention), the Committee asks the Government to indicate the steps taken or envisaged to address the occupational segregation of women, such as conducting awareness programmes to challenge societal stereotypes about the role of women, eliminating gender stereotypes within the education system, promoting access for girls and women to education and vocational training, supporting families in balancing work and family responsibilities, etc.***

Articles 2 and 3. Collective agreements and objective job evaluation. The Government indicates that the application of the principle of the Convention is also ensured through the General Collective Agreement of 2022, which includes a classification of jobs for the purpose of determining remuneration based on the level of education and qualifications achieved. The Committee observes that, while bringing some objectivity to wage determination, this mechanism does not entail an analysis of the value of jobs based on the work to be performed. It recalls that applying the principle of the Convention

requires some method of measuring and comparing the relative value of different jobs. There needs to be an examination of the respective tasks involved, undertaken on the basis of entirely objective and non-discriminatory criteria to avoid the assessment being tainted by gender bias. While the Convention does not prescribe any specific method for such an examination, *Article 3* presupposes the use of appropriate techniques for objective job evaluation, comparing factors such as skill, effort, responsibilities and working conditions (see the 2012 General Survey on the fundamental Conventions, paragraph 695). Finally, as far as objective job evaluation is concerned, the Committee wishes to stress that there is a difference between evaluating the performance of an individual carrying out their job and an objective evaluation of a job, which is to measure the relative value of jobs with varying content on the basis of the work to be performed. ***The Committee requests the Government to take measures to promote objective appraisal of jobs on the basis of the work to be performed, and to provide information on progress made in this regard, both in the private and public sectors.***

The Committee is raising other matters in a request addressed directly to the Government.

Morocco

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1979)

Previous comment

Article 1(a) of the Convention. Definition of remuneration. Other benefits. The Committee recalls that section 346 of the Labour Code prohibits any gender-based discrimination with regard to wages for work of equal value and highlights, as it has in its previous comments, that the principle of equality must not only apply to wages but also to other benefits as defined in *Article 1(a)* of the Convention. The Committee notes with ***regret*** the absence of specific measures taken to bring the legislation into line with the provisions of the Convention in this regard. It notes that the Government, in its report, repeats its indication that the possible revision of section 346 of the Labour Code could form part of the tripartite agreement signed with the social partners on 30 April 2022, while it had already stated, in its previous report, that such a revision could form part of the previous tripartite agreement signed in 2019. ***The Committee requests the Government to take the necessary measures to amend section 346 of the Labour Code so that gender equality is applicable not only to basic wages but also to any other benefits, paid directly or indirectly, in cash or in kind, by the employer to the worker and arising out of the worker's employment.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1963)

Previous comment

Article 2 of the Convention. Equality of opportunity and treatment for men and women. Public service. The Committee notes the information provided by the Government in its report, in response to its previous comment, that: women represent 35 per cent of state civil service officials (65 per cent of officials in the Ministry of Health and Social Protection, 43 per cent in the Ministry of Justice, and 40 per cent in the Ministry of National Education, Early Years and Sport); they occupy 26.8 per cent of leadership positions and 13.2 per cent of senior leadership positions. The Committee welcomes the adoption of Act No. 30.22 (enacted through Dahir No. 1-22-55 of 11 August 2022) amending the General Public Service Regulations so as to introduce the following benefits: (1) paid paternity leave of 15 consecutive days from the date of the birth of the child; (2) for male civil servants, paid leave of 15 consecutive days from the date of the placement into Kafalah of a child under 24 months (Kafalah is an arrangement, approved by the judicial authority, under which a person commits to taking in a child without establishing a legal filiation); and (3) for female civil servants, leave of 14 weeks from the date of the placement into Kafalah

of a child under 24 months, and nursing breaks of one hour per day until the child born into or placed into Kafalah reaches 24 months of age. The Committee notes the other measures listed in the Government's report, particularly: the ongoing partnership with UN-Women to build the capacities of the Inter-Ministerial Cooperation Network for the Institutionalization of Gender Equality in the Public Service; the establishment of training sessions for applicants for leadership positions within the decentralized services of ministerial departments; and the establishment of child daycare centres by the Ministry of Economy and Finances and the Ministry of Energy Transition and Sustainable Development. The Committee nonetheless notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), in its 2022 concluding observations, noted that despite efforts, the representation of women in public office, particularly at the communal and regional levels, and in senior public administration posts, remains low (CEDAW/C/MAR/CO/5-6, 12 July 2022, paragraph 27). The Committee also notes that this under-representation in leadership positions is confirmed by the data provided by the Government in its report. ***The Committee requests the Government to continue its efforts to promote equality of opportunity and treatment between women and men in the public service, and to provide detailed information on the implementation of these measures and their results, including statistics on women's representation in the public service, particularly at the communal and regional levels, and in leadership positions. It also requests the Government to provide information on any measures taken or envisaged with a view to aligning the duration of the leave granted to men from the date of placement into Kafalah of a child under 24 months with the duration of the same leave granted to women.***

Private sector. Following its previous comment, the Committee notes the Government's indications that: (i) a third version of the Government Equality Plan (PGE III), covering the 2023–2026 period, was developed and is based on three pillars: empowerment and leadership (first pillar), protection and well-being (second pillar), and rights and values (third pillar), in addition to a common cross-cutting pillar on the mechanisms for the implementation, piloting, governance and decentralization of the actions to be carried out; (ii) the National Agency for the Promotion of Employment and Skills (ANAPEC) focuses on services to promote entrepreneurship, addressing women specifically and populations facing particular vulnerabilities more generally; (iii) ANAPEC continues to implement the Programme for the Empowerment of Cyclical Women Migrant Workers in Morocco (IRTIQAA) for seasonal women workers in Spain who wish to start up work in Morocco; (iv) ANAPEC and its partners have also set up the Women as Financially Independent Rural Actors (WAFIRA) Programme to support the socio-economic and sustainable reintegration of seasonal agricultural women workers from Spain into their communities of origin; and (v) the Ministry for Economic Inclusion, Small Enterprises, Employment and Skills (MIEPEEC) has set up a programme for the protection of women's rights at work based on: strengthening monitoring of compliance with the regulatory provisions (first pillar); financial support for nongovernmental organizations dedicated to women's rights at work (second pillar); granting of occupational equality prizes (third pillar); and establishment of international cooperation programmes (fourth pillar). While once again welcoming these various initiatives, the Committee notes that in its 2022 concluding observations, CEDAW noted that the participation of women in economic activity remained low, gender disparities persisted in access to the labour market, and women had limited access to social protection (CEDAW/C/MAR/CO/5-6, paragraph 33). ***The Committee requests the Government to provide information on the results of the various measures taken relating to gender equality in employment and occupation, including statistics on women's access to vocational training, and to jobs and different occupations, and on their employment conditions, throughout the country, including in rural areas.***

Institution responsible for promoting equality and combating discrimination. Further to its previous comment, the Committee notes that, in its report the Government refers to the provisions of Act No. 79-14 concerning the Parity and Anti-Discrimination Authority (APALD), setting out ALPAD's terms for staff and budget allocations, and APALD's functions, and indicates that APALD is still in the process of becoming operational. ***Recalling that Act No. 79-14 concerning the Parity and Anti-Discrimination***

Authority (APALD) was enacted on 21 September 2017, the Committee requests the Government to take the necessary steps, as soon as possible, to ensure that APALD can operate, in its functions of handling complaints and of providing advice and recommendations, awareness-raising and training. The Committee also requests the Government to provide detailed information on the activities carried out in practice by APALD (once it becomes operational) to combat discrimination and promote equality in employment and occupation, including the number and nature of the cases of discrimination handled, and their outcome.

The Committee is raising other matters in a request addressed directly to the Government.

Mozambique

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1977)

Previous comment

Article 1 of the Convention. Legislation. The Committee notes with ***regret*** that the new Labour Act 13/2023 grants narrower rights to workers concerning the principle of the Convention compared to the previous Labour Act No. 23/2007. It notes that, under article 108.3 of the Labour Act No. 23/2007 "… all employees, whether nationals or foreigners, without distinction based on sex, sexual orientation, race, colour, religion, political or ideological convictions, family background or ethnic origin, were entitled to equal pay and benefits for equal work". However, the new Labour Act, under article 5, only guarantees workers the right to "be paid punctually under the terms set out in the contract, based on the quantity and quality of their work". Additionally, article 60 emphasizes the employer's duty to pay fair remuneration based on the quantity and quality of the work provided, while article 117 states that wages should align with productivity, labour income and the country's economic development. The Committee notes with ***concern*** that these new provisions fail to uphold the Convention's principle of equal remuneration between men and women for work of equal "value" (see the Committee's general observation adopted in 2006 clarifying the meaning of the concept of equal "value"). The Committee recalls that, once the area of wages becomes a matter for legislation, full legislative expression should be given to the principle of the Convention (see the 2012 General Survey on the fundamental Conventions, paragraphs 676–679). Moreover, the Government's report did not provide any information regarding amendments to article 54(2) of Act No. 10/2017 on state employees to reflect the principles of the Convention. The Committee emphasizes that the Convention applies to the public sector, where the State's wage policy significantly influences the private sector. As an employer, the State plays a crucial role in setting an example by adopting policies that can serve as a model for others. ***The Committee therefore urges the Government to amend the Labour Act and article 54(2) of Act No. 10/2017 to explicitly include provisions ensuring the principle of equal remuneration for men and women for work of equal "value", and to provide information on any progress made in that regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1977)

Previous comment

Article 1 of the Convention. Legislative protection against discrimination. The Committee recalls that for years, it has drawn the Government's attention to the fact that its national legislation does not: (1) expressly prohibit both direct and indirect forms of discrimination in all aspects of employment and occupation, i.e. throughout the whole employment cycle (access to vocational training, access to employment and to particular occupations, and terms and conditions of employment); and (2) include the discrimination grounds of "national extraction" and "social origin" as specified in *Article 1(1)(a)* of the Convention. The Committee observes with ***regret*** that the Government did not seize the opportunity to

amend the new Labour Act No.13/2023 accordingly, before its adoption. ***In light of the above, the Committee urges the Government to explicitly define and prohibit direct and indirect discrimination and ensure that this prohibition covers: (i) all the grounds listed in Article 1(1)(a) of the Convention, as well as any other grounds already enumerated in its national legislation; and (ii) all aspects of employment and occupation. It further asks the Government to provide information on any progress made in this regard, in particular as a result of the technical assistance provided by the ILO in the framework of the #Trade4DecentWork Project.***

The Committee is raising other matters in a request addressed directly to the Government.

Namibia

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 2001)

Previous comment: observation

Previous comment: direct request

Road map for ILO technical assistance. Following the detailed discussion which took place at the 109th Session of the Conference Committee on the Application of Standards in June 2021 concerning the application of the Convention by Namibia, the Committee notes the Government's indication, in its report, that an ILO Technical Advisory Mission made possible the development and agreement by the Government and social partners of a road map for ILO technical assistance. This road map contains 14 activities to be implemented, with clear timeframes, including: (1) the training of the Tripartite Labour Advisory Council on international labour standards; (2) an awareness campaign on discrimination for the general public; (3) training of 15,000 "change agents at workplaces" on the Convention; and (4) amendments to the Labour Act 2007 for full compliance with the requirements of the Convention. ***The Committee welcomes the development of such a road map, and it asks the Government to provide information on its implementation, including on the results achieved in meeting targets and deadlines, and any difficulty encountered to do so.***

Article 1(1)(a) of the Convention. Discrimination based on sex. Sexual harassment. The Committee notes with ***regret*** the Government's indication that: (1) the amendment to section 5(7)(b) of the Labour Act to prohibit all forms of sexual harassment – which the Government announced in the report it submitted in 2021 to the Committee – is yet to be finalized (in this regard, the Committee refers to its 2012 General Survey on fundamental Conventions, paragraph 789 and footnote 1979); and (2) the 2019 study conducted on harassment and violence in the world of work did not formulate specific recommendations with regard to sexual harassment. The Government adds, nevertheless, that in December 2022, to facilitate access to appropriate and effective remedies and safe, fair and effective dispute resolution mechanisms and procedures, the Ministry of Labour, Industrial Relations and Employment Creation (Ministry of Labour) trained arbitrators on how to deal with violence and harassment cases, including sexual harassment. The Committee further notes, from the concluding observations of the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW), the adoption and implementation of the National Plan of Action on Gender-Based Violence 2019–2023 and the establishment of the Tripartite Working Committee to implement the Violence and Harassment Convention, 2019 (No. 190). However, the CEDAW also noted with concern: (1) the reports of gender-based violence against women, including sexual harassment; and (2) the fact that statistical data on sexual harassment in the workplace is limited to cases lodged with the Office of the Labour Commissioner (CEDAW/C/NAM/CO/6, 12 July 2022, paragraphs 5(b), 27 and 39). ***The Committee requests the Government to amend section 5(7)(b) of the Labour Act with a view to ensure that It covers all forms of sexual harassment (both "quid pro quo" and "hostile environment" sexual harassment). In the meantime, the Committee requests the Government to provide information on: (i) the number, nature***

and outcome of complaints filed on the basis of section 5(7)(b) of the Labour Act, and the penalties imposed; and (ii) any preventive and awareness-raising measures implemented, including within the framework of the National Plan of action on Gender-Based Violence 2019–2023, by the Tripartite Working Committee to Convention No. 190 or any other relevant authority, to combat sexual harassment in employment and occupation, as well as on the results achieved.

Article 1(1)(b). Prohibited grounds of discrimination: HIV status, disability and family responsibilities. Legislation. The Committee notes the Government's indication that the amendment to section 33 of the Labour Act on unfair dismissal has not been finalized. The Committee recalls that it has been raising this issue since 2009 and therefore notes with ***regret*** that while the general non-discrimination provision of the Labour Act (section 5) includes the grounds of HIV and AIDS, degree of mental disability and family responsibilities, these grounds are still not included in the prohibition against unfair dismissal contained in section 33 of the Act. ***The Committee requests the Government, once again, to take all necessary measures to ensure progress towards amending section 33 of the Labour Act in order to prohibit dismissals on the grounds of HIV status (actual or perceived), the degree of physical or mental disability, and family responsibilities, so as to ensure consistency with section 5 of the Labour Act.***

Articles 2 and 5. Implementation of the national equality policy. In reply to its previous comment, the Committee notes with ***regret*** the Government's indication that the Prohibition of Unfair Discrimination, Hate Speech and Harassment Bill, repealing the Racial Discrimination Prohibition Act of 1991, has not yet been adopted. It further notes the Government's repeated information that, as a result of the Conference Committee discussion, the Ministry of Labour and the Office of the Ombudsman agreed to: (1) conduct thorough research in the public sector in order to establish the existence of discrimination in employment pertaining to racism, ethnicity and inequality; (2) design a research proposal on discrimination that would include the component of race and ethnicity; (3) mobilize funds for these research projects; (4) launch an awareness campaign on discrimination and racism; and (5) train arbitrators to adjudicate cases of discrimination and labour inspectors to detect "victimization" in employment and occupation. The Committee also notes that the Government fails to provide the requested information on the measures taken to implement both the National Human Rights Action Plan (NHRAP) for the period 2015–19 and the recommendations contained in the Ombudsman's Special Report on Racism and Discrimination. The Committee further notes that, in its concluding observations, the CEDAW expressed concern that the National Gender Policy (2010–2020) and the NHRAP (2015–2019) had not been renewed or extended (CEDAW/C/NAM/CO/6, paragraph 19). ***In the absence of information provided, the Committee must request, once again, that the Government take the necessary measures in order to implement both the NHRAP 2015–19 and the recommendations contained in the Ombudsman's Special Report on Racism and Discrimination, including: (i) the review of the recruitment process in the public service; (ii) the development and adoption of a code of good practice on the elimination of discrimination in employment in consultation with employers' and workers' organizations; (iii) the dissemination of information on the elimination of discrimination in employment; (iv) capacity building for judges, arbitrators, labour inspectors, affirmative action reports review officers and Ombudsman officials; and (v) the adoption of the Prohibition of Unfair Discrimination, Hate Speech and Harassment Bill. The Committee also requests the Government to provide information on any progress made in the implementation of these measures, on any assessment undertaken of the results achieved through the NHRAP 2015-2019 and on its possible renewal or extension.***

Persons disadvantaged on the ground of race, women and persons with disabilities. Affirmative action. The Committee notes with ***regret*** the Government's indication that the amendment to the Affirmative Action (Employment) Act 1998 aimed at, among others, broadening the mandate of the Employment Equity Commission (EEC), is not yet finalized. It takes note of the Government's undertaking to keep the ILO updated with any progress achieved towards the amendment. The Committee further notes, from the concluding observations of the CEDAW, that the Government has been taking measures to increase

the representation of women in management positions and introduced a scorecard system to increase affirmative action at the workplace. However, the CEDAW also expressed concern about the limited use of temporary special measures where groups of women are underrepresented or disadvantaged, such as the participation of women with disabilities in the workforce and the representation of indigenous women in political and public life (CEDAW/C/NAM/CO/6, paragraph 23). ***The Committee requests the Government to take the necessary measures in order to: (i) review the Affirmative Action (Employment) Act 1998, amended in 2007; and (ii) reinforce the mandate of the Employment Equity Commission to deal with cases of discrimination, strengthen its capacity and clarify how its decisions affect the employers' filling of certain job positions, as requested by the Conference Committee on the Application of Standards in June 2021. Further, noting the absence of information provided in reply to its previous requests, the Committee once again asks the Government to provide information on: (i) the concrete measures taken to promote access to employment and occupational training for designated groups (defined, in section 18(1) of the Affirmative Action (Employment) Act 1998, as "racially disadvantaged persons", women and persons with disabilities); and (ii) the measures put in place to review regularly the affirmative action measures to assess their relevance and impact. Please also provide information on the most recent Affirmative Action Report of the EEC.***

Enforcement. The Committee notes the Government's indication that it is continuing its public awareness campaign on labour rights through various platforms including national radio and trade fairs. The Government adds that: (1) no record of cases of discrimination dealt with by the Labour Courts was available at the time of reporting; and (2) from January to March 2023, among the 1,401 cases dealt with by labour inspectors, none of them concerned discrimination. In this regard, the Committee wishes to recall that where no cases or complaints, or very few, are being lodged, this is likely to indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in, or absence of, practical access to procedures, or fear of reprisals. The lack of complaints or cases could also indicate that the system of recording violations is insufficiently developed (see the 2012 General Survey on the fundamental Conventions, paragraph 870). Further, the Committee notes that the Government does not provide information on the previously mentioned measures which were envisaged to make remedies more accessible such as: (1) carrying a desktop research on how other countries ensure effective access to legal remedies; (2) enacting regulations requiring employers to display information at the workplace informing employees of available legal remedies for discrimination and how to access them; (3) disseminating information to members of the public and specific stakeholders on rights and remedies regarding discrimination; and (4) designing electronic pamphlets on referral of discrimination disputes, to be displayed on a wide range of platforms. ***The Committee therefore asks the Government to take measures to: (i) improve the capacity of the competent authorities, particularly labour inspectors, magistrates and other public officials, to identify and address cases of discrimination and to facilitate access to legal remedies; and (ii) raise public awareness of equality and discrimination rights granted by the Convention, including within the framework of the Roadmap for ILO technical assistance, through the labour inspectorate or any other means. It once again asks the Government to provide information on: (i) the measures taken to this end, including by indicating the progress made towards the implementation of the measures enumerated by the Government to make remedies more accessible for victims of discrimination on the basis of any of the prohibited grounds; and (ii) the number and nature of cases of discrimination dealt with by labour courts and the labour inspectorate, if any, and their outcome.***

The Committee is raising other matters in a request addressed directly to the Government.

New Zealand

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1983)

Previous comment

The Committee notes the observations of Business New Zealand (BusinessNZ) and the New Zealand Council of Trade Unions (NZCTU) communicated with the Government's report.

Articles 1 to 3 of the Convention. Equal remuneration for work of equal value and objective job evaluation. The Committee had noted that the concept of "pay equity" under the Equal Pay Amendment Act 2020 appeared to be narrower than the principle of the Convention. In this regard, the Government indicates, in its report, that section 2AAC(b) of the Equal Pay Act on pay equity allows for comparison between workers from different organizations and across different sectors. The Committee notes with ***interest*** the Government's clarification which replies to its previous request on this point.

The Committee further notes the Government's information that there exists various gender-neutral work assessment tools, including *Te Orowaru*, the Pay Equity *Aromatawai Mahi* (PEAM) used for claims in the education sector, and the older Equitable Job Evaluation (EJE) tool. The Committee notes with ***interest*** the development of *Te Orowaru*, which: (1) is a gender-neutral resource toolkit designed to describe and compare work for the purposes of the pay equity claims process or job evaluation; (2) is the first tool of its kind in New Zealand to recognize and value the skills people have in the Māori world; and (3) consists of a questionnaire in English and the Māori language, a factor plan, a factor scoring booklet and a glossary, all freely available on the Public Service Commission's website. In response to an ongoing demand that *Te Orowaru* be utilized in different ways, the Pay Equity Taskforce is launching, in conjunction with the Gender, Māori, Pacific and Ethnic Pay Gaps team at the Public Service Commission, as well as union partners and agency key stakeholders, a work programme to develop the use of *Te Orowaru*.

The Committee notes, from the above-mentioned factor plan, that *Te Orowaru* provides for a factor-based (points-based) assessment of jobs in three parts: (1) a work assessment interview guided by a gender-neutral questionnaire; (2) an analysis of all information gathered using a factor plan, whereby the parties must look at each factor and allocate the work to the appropriate level, depending on the requirements of the work; and (3) factor scoring, which involves overlaying the factor levels with the points system to help the parties get clarity on the total size of a job and the degree of comparability between the claimant's work and the work of any comparators (meaning that the total score for an assessed occupation can then be compared to any other comparator used). The Committee further notes from the factor scoring booklet that *Te Orowaru* has 14 factors, grouped into four categories with different weightings in the points allocated to them: skills (weighting at 44 per cent), responsibilities (35 per cent), effort (16 per cent) and working conditions (5 per cent). The Committee notes the observations of BusinessNZ, which warn against the time-consuming exercise involved in *Te Orowaru* job evaluation processes, and that the processes involve an element of subjectivity. It further notes the Government's indication that, as of May 2023, there have been 10 pay equity settlements (with another 27 more claims active) which have resulted in 111,549 people receiving a pay correction averaging 32.4 per cent. ***In light of these positive developments, the Committee requests the Government to provide information on the outcomes of the 27 pending pay equity claims as well as any other information related to the development of the*** **Te Orowaru.**

The Committee is raising other matters in a request addressed directly to the Government.

Niger

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1966)

Previous comment

The Committee takes note of Ordinance No. 2023-01 of 28 July 2023, which suspends the Constitution of 25 November 2010, and establishes the National Council for the Safeguard of the Homeland, as well as Ordinance No. 2023-02 of 28 July 2023, on public authorities during the transition period, as communicated by the Government. It notes that, under Ordinance No. 2023-02, laws and regulations enacted and published as of the signing date of the ordinance remain in force unless expressly repealed (section 19). The Committee also notes that this Ordinance provides that Niger remains bound by ratified International Treaties and Agreements (section 3).

Article 2(2)(c) of the Convention. Collective agreements. The Committee recalls that sections 157 to 160 of the Labour Code (Act No. 2012-45 of 25 September 2012) provide for: (1) the principle of equal pay for work of equal value without distinction as to origin, gender, age or status; (2) the shift of the burden of proof to the employer in cases where reliable evidence leads to the presumption of pay discrimination; and (3) the requirement for job assessment methods to focus on objective factors predominantly based on the nature of such jobs. In this regard, the Committee notes the Government's indication in its report that the new interoccupational agreement adopted on 19 April 2022, provides in section 45 that under equal conditions of work, professional qualifications and performance, wages are equal for all workers, irrespective of their origin, age, sex or status, under the conditions laid down in this title. Each worker's wage is determined on the basis of his or her job within the enterprise. The Committee notes with ***regret*** that once again this definition is not in conformity with the principle enshrined in the Convention. For several years, the Committee has been drawing the Government's attention to the fact that section 38 of the interoccupational agreement of 15 December 1972 did not apply the principle of "equal value" contained in the Convention. Although criteria such as the worker's skills or performance allow for an objective assessment of the service provided by different persons carrying out a job of a similar nature, they do not provide an adequate basis for the application of the principle set out by the Convention, namely when men and women in practice perform work of a different nature but which, further to assessment, may be of equal value. In this regard, the Committee recalls that the concept of "work of equal value" is fundamental to tackling gender occupational segregation in the labour market, which exists in almost every country, as it permits a broad scope of comparison, including, but going beyond equal remuneration for "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, which is nevertheless of equal *value* (see the 2012 General Survey on the fundamental Conventions, paragraph 673). ***Noting that section 45 of the interoccupational agreement adopted in 2022 is still not in conformity with the principle enshrined in the Convention, the Committee urges the Government to take the necessary measures to encourage the social partners to review this section of the interoccupational agreement in order to expressly include the principle of the Convention already contained in the Labour Code. It also requests the Government to provide information on any measures taken in this regard. The Committee reminds the Government that it may, if it so wishes, avail itself of the technical assistance of the Office.***

The Committee is raising other matters in a request addressed directly to the Government.

Workers with Family Responsibilities Convention, 1981 (No. 156) (ratification: 1985)

Previous comment

The Committee takes note of Ordinance No. 2023-01 of 28 July 2023, which suspends the Constitution of 25 November 2010, and establishes the National Council for the Safeguard of the Homeland, as well as Ordinance No. 2023-02 of 28 July 2023, on public authorities during the transition period, as communicated by the Government. It notes that, under Ordinance No. 2023-02, laws and

regulations enacted and published as of the signing date of the ordinance remain in force unless expressly repealed (section 19). The Commission also notes that this Ordinance provides that Niger remains bound by ratified International Treaties and Agreements (section 3).

Article 3 of the Convention. National policy. The Committee notes the Government's indication in its report that in 2017 it adopted a new National Gender Policy, focused on four strategic objectives: (i) improvement of the socio-cultural environment vis-à-vis demographics, peace and security to ensure greater equity between men and women; (ii) strengthening of the institutional and legal framework for the effective application of women's and girls' rights, the fight against gender-based violence and the equitable participation of men and women in the management of powers; (iii) economic empowerment and inclusive growth in relation to the sustainable management of the environment, disaster risk management, migration and humanitarian emergencies; and (iv) strengthening of institutional mechanisms and organizational frameworks for coordination, follow-up and partnership. It notes that the description of the country circumstances in the National Gender Policy includes acknowledgement that "the traditional organization of society of Niger is patriarchal in most communities. Men hold the authority within a household, set the rules and acceptable behaviour, and are in charge of supervising and managing family assets. They make the critical decisions and are the breadwinners for the members of the household. The women, for their part, have the social responsibility for the functioning of domestic life. They perform household chores and care for children and other family members [...]. The performance of income-generating economic activities grants a woman a role in society and prestige, if she is successful. This particularity does not, however, amount to an equal status or position between men and women." The Committee notes that, although the National Gender Policy does not specifically refer to reconciliation between family and work responsibilities, some of the measures envisaged or implemented under strategic objective No. 3 aim to reduce the load of domestic chores placed on women. It notes, however, that measures in this regard are mainly aimed at lightening women's domestic workload (by providing technologies to shorten the time allocated to family chores) and not really at promoting the idea of a fairer distribution of domestic chores within households, and thus tend to further reinforce the idea that family roles are reserved for women. In practice, it is mainly women who assume the family responsibilities and for whom reconciling these with their work life is difficult. A better distribution of family responsibilities between men and women in a household is essential to effectively promote gender equality in employment and occupation. The Committee also notes that in 2022 the Government adopted the Economic and Social Development Plan 2022–2026, which addresses several aspects related to reducing gender inequality, including the question of increasing "budget-time" for women by lightening their domestic workload. Lastly, it notes the challenges faced in implementing the National Gender Policy identified by the Government: (i) political (the active involvement of all stakeholders is crucial); (ii) technical (need for an advocacy strategy to mobilize resources and a communication strategy to support the implementation of the National Gender Policy and ensure its results are visible); and (iii) financial (mobilization of the funding needed to implement the National Gender Policy and increase in the resources allocated, which will necessarily entail a reallocation of resources that takes account of gender-related needs in the various sectors of activities).

The Committee recalls, as set out in its 2020 general observation, the importance of awareness-raising and education campaigns to: (i) promote broader public understanding of the difficulties faced by workers with family responsibilities; (ii) correct misinformation or contradict negative attitudes and beliefs vis-à-vis workers using flexible arrangements, while boosting their self-esteem, reducing self-stigma and promoting stress management; (iii) encourage men to participate more in family responsibilities; and (iv) promote understanding of the benefits to society, families and the workplace of gender equality and a better balancing of work and family life. ***The Committee requests the Government to provide information on the specific measures taken under the National Gender Policy and the Economic and Social Development Plan to enable persons with family responsibilities, particularly women, who hold or wish to hold a job to exercise their right to keep or obtain such work***

without being discriminated against and without conflict between their work and family responsibilities in practice.

Article 4. Entitlement to leave. With regard to the benefits available only to women workers with family responsibilities (such as the additional annual leave provided under section 119 of the Labour Code of 2012), the Committee notes with ***deep concern*** that once again the Government merely indicates that it takes note of the Committee's comments on this matter that it has been making for several years. ***The Committee therefore urges the Government to take the necessary measures, during a future revision of the Labour Code, to ensure that all provisions and benefits concerning workers with family responsibilities are equally applicable to men and women with family responsibilities and to keep it informed of any progress made in this regard.***

Article 5. Childcare and family services and facilities. ***Noting that the Government does not provide any information on this point, the Committee once again requests the Government to provide (i) information on the establishment of the community nursery schools that the Ministry of Education had undertaken to establish throughout the country with the support of UNICEF, indicating whether there are admission requirements related to the employment status of the mother and father, and on the operation of the centres for mothers and children; and (ii) any available information on the total number of children benefiting from the country's public or private care services and facilities in comparison to the total number of children in the population.***

Article 6. Information and education. ***Noting that the Government does not provide any information on the "school for husbands" initiative, the Committee once again requests the Government to indicate to what extent this initiative effectively encourages men from the communities concerned to become more involved in family responsibilities and has promoted a better understanding of the advantages for society, families and the workplace brought about by gender equality and a better balance between work and family life.***

Article 8. Protection against dismissal. The Committee recalls that the 2012 Labour Code (sections 5 and 78) do not expressly prohibit dismissal due to family responsibilities. The Government indicates: (i) that it takes note of the Committee's suggestion to explore the possibility, in collaboration with the workers' and employers' organizations, of amending the Labour Code, during a future revision, with a view to including "family responsibilities" in either: (a) section 5, which specifies grounds that the employer cannot use as a basis for decisions, particularly regarding termination of the employment contract; or (b) section 78, which specifies grounds that cannot constitute a basis for dismissal; (ii) but that this will not be carried out before presentation and discussion of the issue at a National Labour Council session. ***The Committee requests the Government to provide information on the progress made in this regard.***

North Macedonia

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1991)

Previous comment

Articles 1 and 2(2)(a) of the Convention. Equal remuneration for work of equal value. Scope of application. Legislation. The Committee notes the Government's indication, in its report, that the process of amending the Law on Labour Relations, including section 108(1) requiring "equal pay for equal work with equal job requirements", is still ongoing. The Government adds that the new Law on Labour Relations will ensure that women and men be provided with equal opportunities and equal treatment in relation to, among others, equal payment for work of the same "value". The Committee also notes the Government's reference to the principle of equal pay for work of equal "value", but it notes that it defines this as: "two persons of different sex who perform equal work of equal value under the same conditions, same qualifications, invested labour, results of labour and responsibility, have the right to

equal payment." In this regard, the Committee recalls that the concept of equal "value" as set out in the Convention permits a broad scope of comparison, including "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, but which is nevertheless of equal *value*. This is crucial for the full application of the Convention as, in practice, women and men are often not engaged in the same jobs (see the 2012 General Survey on the fundamental Conventions, paragraphs 673, 675 and 698). The Committee further notes, from the 2022 European Commission Gender Equality Report (EC Gender Equality Report) that the equal pay provisions under the Law on Labour Relations do not apply to seasonal and part-time workers or for those working in the home. In this regard, the Committee refers to paragraph 658 of its 2012 General Survey, which recalls that the principle of the Convention applies to *all* workers in all sectors of activity, with no exclusions. ***The Committee urges the Government to take all necessary steps to ensure that the amendments made to the Law on Labour Relations: (i) give full legislative expression to the principle of equal remuneration for women and men for work of equal "value" set out in the Convention; and (ii) allows 'all' workers, including seasonal, part-time workers and those working in the home, to benefit from the principle of the Convention. The Committee requests the Government to provide information on any progress achieved in this respect and to provide a copy of the new Law on Labour Relations once adopted.***

Articles 1 to 4. Assessing and addressing the gender pay gap and its underlying causes, such as gender inequalities. The Committee notes the adoption of the Revised Employment and Social Policy Reform Programme 2022 which provides a strategic framework for reducing the gender gap in the economy and improving the position of women in the labour market. The Committee also notes the adoption of the new national Gender Equality Strategy 2022–2027, which will seek to decrease the gender gap in economic participation of women in the labour market. The Committee further notes, from the 2021 Country Gender Equality Profile of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), that: (1) in 2021, the activity rate for women was only 44.9 per cent, compared to 67.2 per cent for men, while the employment rate was 38.3 per cent for women compared to 56.2 per cent for men. Women also represent 62.7 per cent of the inactive population; (2) in 2021, 19.2 per cent of employers were women (decrease from 21.2 per cent in 2020), 22.6 per cent of own-account workers were women (decrease from 24.4 per cent in 2020) and 66.4 per cent of the unpaid family workers were women (increase from 63.9 per cent in 2020); (3) in 2021, the rate of women in senior management positions in listed companies and as board members was at 21 per cent; (4) in public administration, women are best represented in labour and social policy (82.9 per cent), health (72.7 per cent) and education (66.7 per cent), while men make up a larger share of public sector employees in environment (89.3 per cent), transport (85.5 per cent), and agriculture (82.2 per cent); and (5) women public servants have a higher level of education on average, however, they hold only around 36 per cent of managerial positions. The Committee further notes, from the 2022 EC Gender Equality Report, that: (1) the National Programme on Employment 2021-2027 states that the gender pay gap is 18 per cent in favour of men and includes as one of its goals reducing the gender pay gap to 15 per cent; (2) women are more engaged in unpaid domestic labour (61.8 per cent of women and 38.2 per cent of men) and in lower paid positions (7.2 per cent of men and 5.2 per cent of women receive a monthly salary of 25,000–30,000 Macedonian denars, whereas 77.6 per cent of men and 22.4 per cent of women receive a salary above 40,000 denars); and (3) despite the fact that many government documents attribute the lack of women's participation in the labour market to traditional attitudes, this claim is not supported by evidence. Research has shown that actually, the high economic inactivity rates among women is essentially due to discrimination in the labour market, the lack of policies to reconcile work and family life and the lack (and the cost) of care and childcare facilities. With regard to the lack of access to childcare facilities and the lack of policies to reconcile work and family life, the Committee refers the Government to its detailed comments under the Workers with Family Responsibilities Conventions, 1981 (No. 156). ***In order to reduce the inequalities in remuneration that exist between women and men in the labour market, the Committee asks the Government to take every necessary step to address gender stereotypes and***

actively promote women's participation to the labour market, in particular to jobs with career prospects and higher pay and in sectors in which they are currently absent or under-represented. It also asks the Government to provide information on: (i) any measures implemented to that end, including in the framework of the Gender Equality Strategy 2022–2027, the National Programme on Employment 2021–2027 and the Revised Employment and Social Policy Reform Programme 2022; and (ii) the distribution of women and men in the various sectors of the economy, and their corresponding earnings, both in the public and private sectors.

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1991)

Previous comment

Articles 2 and 3 of the Convention. Equality of opportunity and treatment irrespective of race, colour, and national extraction. Ethnic minorities. The Committee notes, from the National Employment Strategy (2021-2027), that the Government is to address the needs of groups at risk in the labour market, including of national minorities, through the implementation of training programmes and job subsidy schemes targeting low-skilled individuals. The Committee further notes, from the 2022 Gender Equality Report of the European Commission (EC Gender Equality Report), that: (1) unemployment among Roma women remains endemic (the rate of employment is at 8 per cent for Roma women and 23 per cent for Roma people in general); (2) the Government adopted the National Action Plan on Protection, Promotion and Fulfilment of the Human Rights of Roma Women and Girls (2022–2024), to enhance economic independence of Roma women; and (3) the top reasons for unemployment of Roma women appear to be discrimination, stereotypes and prejudice, and the lack of skills and formal education. From the 2023 Report of the European Commission Against Racism and Intolerance (ECRI), the Committee notes that: (1) the Government developed and adopted a new Strategy for Inclusion of Roma (2022–2030); (2) in spite of various efforts to improve the situation of members of the Roma community, social marginalization and exclusion still persists, including in access to education and employment and more especially for women; (3) the school system is still largely segregated according to language-streams (Macedonian and Albanian), with pupils of both groups often being taught in separate buildings or in shift-systems, both of which reduce important interactions between children of the two language/ethnic groups. The Committee also notes, from the Fifth Opinion on North Macedonia of the Advisory Committee on the Framework Convention for the Protection of National Minorities (the ACFC Report), that: (1) the socio-economic participation of persons belonging to minorities who live in rural areas is characterized by high unemployment, lack of access to education and infrastructure and depopulation; (2) Roma are victims of structural discrimination in the employment, housing, and health sectors and have been hit particularly hard by the effects of the COVID-19 pandemic; (3) the share of persons identifying as Albanian employed in the public sector increased between 2015 and 2020 from 18.8 per cent to 20.1 per cent and that of Turks from 1.9 per cent to 2.1 per cent. The respective shares of other national minorities remained stable. Measured against figures from the last census, which however dates 20 years back, this means that the representation of all national minorities except for Bosniaks and Vlachs still remains below their share in the population; (4) Roma employed in the public sector tend to work disproportionally in low-skilled jobs; (5) there is a severe lack of data on socio-economic participation of other ethnic groups than Roma, but data from a 2017 Survey of Quality of Life suggests that poverty and unemployment rates are higher than average also among Albanians and other minorities; and (6) ethnic Albanian children also have below-average enrolment in preschool and university education and are more likely to lag behind their North Macedonian peers (and that the exact reasons for these differences are not known due to a lack of research but it is likely that the fact that many Albanians live in rural areas is one of the explaining variables). ***The Committee requests the Government to take every necessary step to address stereotypes and prejudices as well as***

discrimination based on race, colour or national extraction in order to effectively ensure equality of opportunity and treatment of ethnic minorities in the country. It asks the Government to provide information on: (i) any measures taken to this end, including within the framework of the National Employment Strategy (2021–2027) and the Strategy for Inclusion of Roma (2022–2030); (ii) the results achieved, including by providing up-to-date statistical information on the participation of workers from minority groups in the labour market in the private sector; and (iii) the number, nature and outcome of any cases or complaints of discrimination against persons belonging to ethnic minorities dealt with by the labour inspectors, the courts, the CPPD or any other competent authorities.

The Committee is raising other matters in a request addressed directly to the Government.

Papua New Guinea

Equal Remuneration Convention, 1951 (No. 100) (ratification: 2000)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report, due since 2017, has not been received. In light of its urgent appeal launched to the Government in 2020, the Committee proceeds with the examination of the application of the Convention on the basis of the information at its disposal.

Articles 1 and 2 of the Convention. Definition of remuneration. Equal remuneration for men and women for work of equal value. Legislation. The Committee recalls that, for years, it has been requesting the Government to take measures to ensure that both the final draft of the Industrial Relations Bill as well as the revision of the Employment Act of 1978: (1) contain a definition of remuneration which includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever, payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment; and (2) provide for equal remuneration for men and women for work of equal value (and not only for *equal,* the *same* or *similar* work), in conformity with the Convention. The Committee notes with ***deep concern*** that neither the Industrial Relations Bill nor the revision of the Employment Act of 1978 have been enacted to date. ***Noting that once again the latest Decent Work Country Programme 2018–22 has set as one of its top priorities the revision of the Industrial Relations Act and the Employment Act, the Committee urges the Government to avail itself of the technical assistance of the Office for this purpose in order to be in a position to report progress in the near future regarding the labour law reform, in particular with regard to the provisions which are not in conformity with the principle of the Convention.***

Article 2. Methods of wage determination. ***In the absence of any updated information, the Committee reiterates its requests to the Government to provide: (i) information on the methods used by the Industrial Registrar to assess the gender neutrality of wage determinations made through collective agreements; (ii) copies of collective agreements including provisions on equal remuneration or on wage determinations.***

Article 3. Objective job evaluation. The Committee recalls that, in response to the Government's statement that women are part of the appraisal process in whatever capacities they occupy in the respective organizations that conduct appraisals of jobs, it had: (1) pointed out that whatever methods are used for the objective evaluation of jobs, particular care must be taken to ensure that they are free from gender bias; and (2) asked the Government to provide information on the appraisals of jobs conducted and the methods and criteria used both in the private and public sectors. In this regard, the Committee recalls that it is important to ensure that the selection of factors for comparison, the weighting of such factors and the actual comparison carried out, are not inherently discriminatory, as skills considered to be "female", such as manual dexterity and those required in caring professions, are often undervalued or even overlooked, in comparison with traditionally "male" skills, such as heavy lifting (see General Survey of 2012 on the fundamental Conventions, paragraph 701). ***In the absence of any information in this regard, the Committee again requests the Government to provide information on: (i) job evaluation methods used to determine remuneration rates in the public sector and the measures taken to ensure that they are free from gender bias; and (ii) any measures taken to promote the use of objective job evaluation methods and criteria that are free from gender bias (such as qualifications and skills, effort, responsibilities and conditions of work)***

in the private sector. Please provide a copy of the salary scales and schemes of public sector employees as well as indications of the number of men and women respectively employed in each of the salary scales.

Enforcement. ***The Committee, once again, requests the Government to provide information on any awareness-raising or training activity undertaken by the Office of the Industrial Registrar or otherwise specifically to promote knowledge and foster understanding of the principle of equal remuneration for men and women for work of equal value. It also requests the Government to provide information on any administrative or judicial decisions relating to equal remuneration.***

Statistics. ***Recalling that collecting and analysing data on the position and pay of men and women in all job categories, within and between sectors, is required to determine and address the nature and extent of the remuneration gap between men and women, the Committee once again requests the Government to provide statistical information on the distribution of men and women in the different sectors of economic activity, job categories and positions, and their corresponding earnings.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 2000)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report, due since 2017, has not been received. In light of its urgent appeal launched to the Government in 2020, the Committee proceeds with the examination of the application of the Convention on the basis of the information at its disposal.

Article 1(1)(a) of the Convention. Prohibited grounds of discrimination. Legislation. The Committee recalls that the Government indicated previously that section 8 of the final draft of the Industrial Relations Bill would prohibit direct and indirect discrimination on the grounds of race, colour, sex, religion, pregnancy, political opinion, ethnic origin, national extraction or social origin, against an employee or applicant for employment or in any employment policy or practice. At the time, the Government also stated that it would report any development regarding the revision of sections 97–100 of the Employment Act, 1978, which only prohibit sex-based discrimination against women. The Committee notes that none of these Bills has yet been enacted, despite the fact that the latest Decent Work Country Programme (2018–22), in the same way as the previous ones, has set as a priority the enactment of the Industrial Relations Bill and the revision of the Employment Act through the adoption of a new Employment Relations Bill. In this regard, the Committee observes that, according to the United Nations Development Programme Country Programme 2018–22, the country's instability is impeding progress towards the elaboration and promulgation of revised laws. ***While acknowledging the difficult situation prevailing in the country, the Committee asks the Government to act expeditiously to review and amend these laws, in collaboration with workers' and employers' organizations, in order to bring them into line with the requirements of the Convention and to provide information on any progress made in this regard.***

Discrimination on the ground of sex. Public service. The Committee recalls that in its last comment it noted that the new Public Services (Management) Act adopted in 2014 maintains the discriminatory impact of section 36(2)(c)(iv) of the Public Services (Management) Act 1995 and allows employers to advertise for candidates indicating that only males or females will be appointed, promoted or transferred in "particular proportions". It also noted that section 20.64 of General Order No. 20, as well as section 137 of the Teaching Services Act 1988, which provide that a female official or female teacher is only entitled to certain allowances for her husband and children if she is the breadwinner (a female officer or female teacher is considered to be the breadwinner only if she is single or divorced, or if her spouse is medically infirm, a student or certified unemployed) had not been modified. ***In the absence of any information on this point, the Committee urges the Government to review and amend these laws to bring them into conformity with the Convention.***

Article 2. National equality policy. In its previous comments, the Committee, noting that the issue of gender equality in employment and occupation seems to be addressed in some sections of the National Public Service Policy on Gender Equity and Social Inclusion of 2013 and the National Policy for Women and Gender Equality 2011–15, emphasized that it is essential for attention be given to *all* the grounds of discrimination set out in the Convention in formulating and implementing a national equality policy (2012

General Survey on the fundamental Conventions, paragraphs 848–849). ***In the absence of information in this regard, the Committee once again urges the Government to provide full particulars on the specific measures taken or envisaged, in collaboration with workers' and employers' organizations, to develop and implement a national policy aimed at ensuring and promoting equality of opportunity and treatment in employment and occupation on all the grounds enumerated in the Convention (race, colour, sex, religion, political opinion, national extraction and social origin).***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Peru

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1960)

Previous comment

The Committee notes the observations of: the National Confederation of Private Business Institutions (CONFIEP), received on 29 August 2024; the General Confederation of Workers of Peru (CGTP), the Single Confederation of Workers of Peru (CUT-Peru) and the Autonomous Workers' Confederation of Peru (CATP), received on 31 August 2024; and the CATP, received on 1 September 2024. ***The Committee requests the Government to provide its comments in this regard.***

Articles 1 and 2 of the Convention. Gender pay gap. The Committee notes that, according to the information provided by the Government in its report: (1) the Ministry of Labour and Employment Promotion (MTPE) has taken various types of action to reduce the gender pay gap, which has remained at 19 per cent since 2020; (2) the study on women in the Peruvian civil service considers the gender pay gap to be modest in the public administration (in no case is it higher than 10 per cent), although it indicates that women tend to earn more than men in low- and middle-income jobs, while men tend to earn more in higher level positions; and (3) training has been carried out targeting the personnel of Regional Labour and Employment Promotion Departments (DRTPE/GRTPE) to strengthen their knowledge on equal wages and promote the implementation of Act No. 30709, which prohibits pay discrimination between women and men. However, on this subject, the Committee also notes that the CGTP, CUT-Peru and CATP indicate in their observations that the action taken by the Government is not sufficient or suitable to ensure compliance with the Convention. With reference to the National Gender Equality Policy (PNIG), adopted in 2019 by Presidential Decree No. 008-2019-MIMP, the Committee notes that: (1) the programme "Women in Action" has resulted in the training and labour market integration of women in the construction sector; and (2) priority has been given to four public services, focusing on developing the capacities of public employees, for the inclusion the gender perspective in the management and delivery of goods and services, and the prevention of work-related violence. The Committee takes due note of the information provided by the Government on the submission to Congress of a Bill to recognize the right to care and to create a national care system. ***The Committee requests the Government to continue taking measures to identify and address the underlying causes of the gender wage gap with a view to reducing it in practice. The Committee also requests the Government to provide information on any progress achieved and challenges identified in the implementation of these measures, taking into consideration the fact that the gender wage gap has remained at around 19 per cent for at least the past three years.***

Article 1(a) and (b). Work of equal value. Legislation. The Committee recalls that section 1(1) of Act No. 30709, of 26 December 2017, which prohibits pay discrimination between men and women, establishes the principle of equal remuneration for "equal work", which is more restrictive than the principle of equal remuneration for men and women for work of "equal value", as set out in the Convention. However, section 1(2) provides that the Act is in compliance with the policy of identical earnings for work of "equal value" set out in Act No. 28983 of 2007 on equality of opportunities for

women and men. With regard to the latter Act, the Committee notes that it provides in section 6(c) for the guarantee of identical remuneration for work of "equal value", within the context of the policies adopted by the executive authorities, regional and local governments. The Committee emphasizes that a clear understanding of the concept of "work of equal *value*" is essential to guarantee the full application of the Convention and refers the Government to its 2006 general observation on this subject. It also wishes to place emphasis on the importance of ensuring the coherence of the legislative provisions that provide for equal remuneration in order to give full effect to the Convention, including its coherent supervision by the competent authorities. ***The Committee requests the Government to adopt measures to ensure that the principle of equal remuneration for men and women for work of equal value is reflected in the legislation. The Committee firmly recommends the Government to spare no effort to promote public understanding of the principle of the Convention by engaging in specific awareness-raising and capacity-building activities on the principle of the Convention for workers, employers and their organizations, and for public officials responsible for the enforcement of the law, and requests it to provide information on the measures adopted in this respect in cooperation with the social partners.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1970)

Previous comment

The Committee notes the observations of: the National Confederation of Private Business Institutions (CONFIEP), received on 29 August 2024; the Autonomous Workers' Confederation of Peru (CATP), the General Confederation of Workers of Peru (CGTP) and the Single Confederation of Workers of Peru (CUT-Peru), received on 31 August 2024; and the CATP, received on 1 September 2024. ***The Committee requests the Government to provide its comments in this regard.***

Article 1 of the Convention. Scope of application and grounds of discrimination. The Committee recalls that, when legislative provisions are adopted to give effect to the principle of the Convention, they should include at least all the grounds of discrimination specified in *Article 1(1)(a)* of the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 853). ***The Committee requests the Government to consider the inclusion of "colour" and "national extraction" among the grounds of discrimination prohibited by the national legislation. As those grounds are not covered by the national legislation, the Committee requests the Government to provide information, where possible, on any cases that have been identified and treated as discrimination on grounds of "colour" or "national extraction", with an indication of the background to the penalties imposed and the remedies granted.***

Discrimination on grounds of sex, colour and race. ***The Committee once again requests the Government to indicate the measures adopted or envisaged with a view to identifying and addressing any aspect of the special rules governing micro and small enterprises that may lead to indirect discrimination against women and indigenous peoples in access to employment and conditions of employment, which would be contrary to the principle of equality and non-discrimination in employment and occupation.***

Article 2. Equality of opportunity and treatment for men and women. Public sector. In relation to the transition to the system of single regulations governing the civil service, the Committee notes with ***concern*** that the CGTP, CUT-Peru and CATP indicate in their observations that: (1) various sections of Act No. 31131 of 2021, establishing provisions for the eradication of discrimination in the labour regulations governing the public sector, have been declared unconstitutional by the Constitutional Court; and (2) the possibility still exists that the three specific sets of labour regulations may give rise to cases of indirect discrimination where women are engaged in sections of the public service in which women predominate in public careers, and where wages are low and conditions of employment are precarious. ***The***

Committee requests the Government to take measures to prevent possible cases of indirect discrimination against women in the public sector and to provide information on this subject.

The Committee is raising other matters in a request addressed directly to the Government.

Republic of Moldova

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1996)

Previous comment

The Committee notes that the Government's report contains no information in response to a number of its previous comments. In this regard, it recalls that Governments have undertaken the obligation to provide information on the application of ratified ILO Conventions in law and in practice. It is on the grounds of that information, that the Committee fulfils its duties of assessment of the effective implementation of the ratified Conventions. ***The Committee encourages, therefore, the Government to submit a more exhaustive next report which includes all the matters raised below.***

Article 5 of the Convention. Special measures of protection and assistance. Restrictions on the employment of women. ***The Committee asks the Government to provide information on the implementation in practice of section 248 of the Labour Code, as revised in 2020, in particular regarding the: (i) criteria for determining which activities present risks to pregnant women and women who have recently given birth and women who breastfeed; and (ii) measures taken to ensure that such criteria are compatible with the principle of equality between women and men.***

The Committee is raising other matters in a request addressed directly to the Government.

Romania

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1973)

Previous comment

The Committee notes that the Government's report contains no information in response to a number of its previous comments. In this regard, it recalls that Governments are under the duty to provide information on the application of ratified Conventions in law and in practice. It is on the grounds of that information, that the Committee fulfils its duties of assessment of the effective implementation of the ratified Conventions. ***Therefore, the Committee encourages the Government to submit a more exhaustive next report which includes all the matters raised below.***

Articles 1(2) and 4. Discrimination based on political opinion. Inherent requirements of the job. Activities prejudicial to the security of the State. The Committee recalls that, for a number of years, it has been drawing the Government's attention to the fact that the restriction set by section 54(j) of Act No. 188/1999, which provides that, to hold public office a person shall not have been carrying out an activity in the political police as defined by the law, could amount to discrimination on the basis of political opinion because it applies broadly to the entire public service rather than to specific jobs, functions or tasks. ***In the absence of any information in this regard, the Committee urges again the Government to take the necessary steps, without delay, to amend section 54(j) of Act No. 188/1999 or to adopt other measures clearly stipulating and defining the functions to which this section applies. It also asks the Government to provide information on the application of section 54(j) of Act No. 188/1999 in practice, including information on the number of persons dismissed or whose application has been rejected under this section, the reasons for these decisions and the functions concerned, as well as***

information on the appeal procedure available to the affected persons and any appeals lodged and their results.

The Committee is raising other matters in a request addressed directly to the Government.

Saint Lucia

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1983)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report, due since 2014, has not been received. In light of its urgent appeal launched to the Government in 2020, the Committee proceeds with the examination of the application of the Convention on the basis of the information at its disposal.

The Committee notes that, in its 2019 report on the national-level review of the implementation of the Beijing Declaration and Platform for Action, 1995 (Beijing +25 national report), the Government indicated that: (1) according to a national report of living conditions published in 2016, the labour force rates for women continued to be lower than for men (68.1 per cent compared to 81.8 per cent) with lower earnings for women in almost every case; and (2) although the rate of participation of women in the economy was increasing, it was still lower than that of men, with an increasing tendency towards job segregation reinforced by gender stereotypes. Despite a stronger educational performance of females – which could be expected to result in higher incomes than for males – a 2015 report from UN Women stated that women in Saint Lucia continued to be paid, on average, 10 per cent less than their male peers. According to the "Gender at Work in the Caribbean – Country report: Saint Lucia" published by the ILO Decent Work Team and Office for the Caribbean in 2018, this suggests systematic barriers to higher earnings, including discrimination.

Article 1(a) of the Convention. Definition of remuneration. The Committee recalls that the Equality of Opportunity and Treatment in Employment and Occupation Act, 2000, contains no definition of the term "remuneration". The Committee notes the adoption of the Labour Code (Amendment) Act No. 6 of 2011, which amends section 95 of the Labour Code of 2006 to include the definition of "total remuneration" as "all basic wages which the employee is paid or is entitled to be paid by his or her employer in respect of labour performed or services rendered by him or her for his or her employer during that period of employment". The Committee notes that section 2 of the Labour Code continues to exclude overtime payments, commissions, service charges, lodging, holiday pay and other allowances from the definition of wages. The Committee recalls that the Convention sets out a very broad definition of "remuneration" in *Article 1(a)* which includes not only "the ordinary, basic or minimum wage or salary" but also "any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment" (see 2012 General Survey on the fundamental Conventions, paragraph 686). ***The Committee asks the Government to take the necessary measures to further amend section 95 of the Labour Code in order to ensure that at least for the purposes of the application of the principle of the Convention the concept of remuneration covers not only the basic wages, but also any additional benefit or allowance arising out of the worker's employment.***

Different wages and benefits for women and men. The Committee also notes with ***regret*** that the Labour Code (Amendment) Act No. 6 of 2011 did not repeal the existing laws and regulations establishing differential wage rates for men and women, nor did it revoke the Contract of Service Act which provides for different ages for men and women with respect to entitlement to severance pay. ***The Committee urges the Government to take measures without delay to ensure that all laws and regulations are repealed which contain differential wages for men and women, as well as the Contract of Service Act, which provides for different ages for men and women with respect to entitlement to severance pay. The Committee requests the Government to provide information on any development in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Sao Tome and Principe

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1982)

Previous comment

Articles 1(b) and 2(2)(a) of the Convention. Equal remuneration for men and women for work of equal value. Legislative developments and application. The Committee refers to its previous observation and welcomes the Government's indication, it its report, that a review of the Labour Code is currently under way with the cooperation of the ILO. The Government also informs that the Labour Inspectorate has detected no cases implying the violation of the principle of the Convention and that some awareness-raising activities have been conducted for the social partners. The Committee recalls the importance of training labour inspectors to increase their capacity to prevent, detect and remedy instances of pay discrimination and of implementing adequate training programmes (see the 2012 General Survey on the fundamental Conventions, paragraph 875). ***The Committee expresses the firm hope that the new Labour Code will give full legal expression to the principle of equal remuneration between men and women for work of equal value and asks the Government to provide information on any developments in this regard. The Committee also asks the Government to continue to provide information on: (i) any cases or complaints concerning inequality of remuneration dealt with by the labour inspectorate, the courts or any other competent authority, specifying the penalties imposed and the compensation awarded; and (ii) the measures taken to enhance the capacity of the enforcement authorities, as well as workers, employers and their organizations, to detect and address violations of the principle of the Convention.***

Articles 2 and 3. Reducing the gender wage gap. The Committee notes the Government's statements that: (1) no gender wage gap exists in the public and private sectors, as the same remuneration is paid to workers performing the same functions, irrespective of gender; (2) no information is available on the distribution of men and women across economic sectors and occupations; and (3) more women than men tend to hold decision-making positions in the public sector and in private companies. The Committee reiterates that the concept of "work of equal *value*" requires the comparison of works which may involve different types of skills, responsibilities or working conditions, but may nevertheless be of equal value overall. This is essential in order to eliminate pay discrimination resulting from the failure to recognize the value of work performed by women and men free from gender bias (see the 2012 General Survey, paragraphs 673–675). The Committee also recalls that the Convention includes but does not limit application of the principle of equal remuneration for work of equal value to men and women "in the same workplace" and provides that this principle should be applied across different enterprises to allow for a much broader comparison to be made between jobs performed by women and men. The Convention thus calls for the reach of comparison between jobs performed by men and women to be as wide as possible in the context of the level at which wage policies, systems and structures are coordinated (2012 General Survey, paragraphs 697 and 698). The Committee notes that the Government wishes to receive the support of the ILO to undertake a quantitative study on the issue of remuneration and evaluate the wage policies applied in the private sector. ***Therefore, the Committee encourages the Government to adopt measures to assess the gender wage gap in the country and gather statistical data on the distribution of men and women in the different economic sectors and occupations and their respective incomes, in order to develop informed policy measures to ensure the full application of the Convention in practice, in collaboration with the social partners and asks the Government to provide more detailed information in this regard.***

Article 4. Cooperation with workers' and employers' organizations. The Committee notes with ***regret*** the Government's indication that there has been no further development concerning the revision of Act No. 1/99 on the National Council for Social Dialogue (CNCS). The Government also refers to some training activities on labour legislation directed at trade unions and the establishment of an arbitration

centre for employers. In that regard, the Committee recalls that the DWCP for 2018–21 had set as a specific objective the strengthening of the CNCS and other institutions of social dialogue, as well as capacity-building of the tripartite constituents to promote, inter alia, gender equality and non-discrimination. ***The Committee requests the Government to continue to provide information on the steps taken to strengthen the role of the National Council for Social Dialogue on the promotion of gender equality and non-discrimination, either through the revision of Act No. 1/99 or otherwise. Please also provide information on the activities – specifically concerning the principle of the Convention – undertaken for the social partners and in collaboration with them, and clarify whether the arbitration centre mentioned is competent to address cases involving the application of the principle of equal remuneration for men and women for work of equal value, and if so, provide examples of cases dealt with.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1982)

Previous comment

Articles 2 and 3 of the Convention. Equality of opportunity and treatment for men and women. Policies and institutions. The Committee recalls that it previously requested the Government to provide information on the impact of the measures taken, within the framework of the second National Strategy for Gender Equality and Equity (ENIEG), the National Employment Policy (PNE), the Action Plan on Employment and Vocational Training (PANEF) and the Decent Work Country Programme (DWCP) 2018–21, on: (1) the economic capacity and access of women to the formal economy and to vocational training; (2) the improvement of equality of opportunity and treatment for men and women in relation to employment and occupation in the public and private sectors; and (3) the collection of updated statistics disaggregated by sex and if possible by vocational category. The Committee notes that the Government provides very general information in its report (such as that the legal framework in place, and particularly the Constitution, promote equality of opportunity for men and women, positions in the public service are filled by competition, job vacancies must not be discriminatory, the informal economy is not governed by legislative provisions, those who commit violations are liable to a fine, etc.). Nevertheless, the Committee notes with ***interest*** the adoption of: (1) Act No. 11/2022 on parity, of 19 September 2022, which is aimed at ensuring effective equality between men and women with a view to the elimination of all forms of discrimination and the creation of equality of opportunity, particularly with regard to political participation and decision-making positions; and (2) the National Financial Inclusion Strategy 2021–25, which has the objective of stimulating significant progress in the promotion of gender equality and the economic empowerment of women. It further notes the adoption of the third National Strategy for Gender Equality and Equity 2019–26 (ENIEG III) and the implementation of a technical cooperation project on the promotion of local food value chains and equitable employment opportunities through a sustainable agro-food industry in Sao Tome and Principe 2022–24, which aims to promote the creation of decent jobs for vulnerable women and girls. However, the Committee notes that, in its concluding observations, the United Nations Committee for the Elimination of Discrimination against Women (CEDAW): (1) noted with concern that, although the Act on gender parity establishes a minimum quota of 40 per cent for women's representation in elected bodies and the public service, they currently hold only eight out of the 55 seats in the National Assembly (14.5 per cent) and that their representation in the public service and the judiciary remains very low; (2) expressed concern at the fact that more than 50 per cent of women do not have access to credit, the persistence of gender stereotypes hampering women's access to employment in the country, and the low representation of girls in technical and vocational training programmes, which limits their employment opportunities and economic independence as adults; (3) the disproportionately high unemployment rate among young women, exacerbated by the COVID-19 pandemic, resulting in many women suffering from economic

dependency and poverty in old age; and (4) the over-representation of women in unpaid work, in particular domestic work, and the informal economy, without access to social security and pension benefits (CEDAW/C/STP/CO/1-5, 31 May 2023, paragraphs 32, 36(d), 40(a), (b) and (c), and 46). In this regard, the Committee welcomes the fact that the disciplinary provision which prohibited pregnant girls from attending classes was repealed in 2020 by an Ordinance issued within the framework of the "Burden on Girls and Quality Education for All" project (Universal Periodic Review, A/HRC/WG.6/37/STP/1, 18 December 2020, paragraphs 59 and 60). The Committee notes that the Government has not provided the requested statistics, but that, according to ILOSTAT, the activity rate of women is well below that of men, that is 38 per cent in 2023, and that there has been no significant change over the past 20 years. ***The Committee requests the Government to renew its efforts to promote gender equality at the workplace, for example through continuous awareness-raising activities for the social partners and the public at large to combat the gender stereotypes faced by girls and women, particularly in the fields of education and vocational training, and to assess their impact. The Committee also requests the Government to provide detailed information on the impact of the measures adopted, and particularly statistical data, to promote equality of access to employment for men and women without discrimination on grounds of sex, within the context of the third National Strategy for Gender Equality and Equity, the National Employment Policy, the Action Plan on Employment and Vocational Training, Act No. 11/2022 on parity and the National Financial Inclusion Strategy 2021-25.***

The Committee is raising other matters in a request addressed directly to the Government.

Saudi Arabia

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1978)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1(1) of the Convention. Prohibited grounds of discrimination. Legislation. The Committee noted in its previous comments the extension in 2019 of the list of prohibited grounds of discrimination in section 3 of the Labour Law (i.e. "sex, disability and age") to include "any other form of discrimination" in recruitment, including job advertisements and in the course of employment. It asked the Government to: (1) consider the possibility of including in section 3 of the Labour Law an explicit reference to all the grounds other than sex set out in the Convention (race, colour, religion, national extraction, political opinion and social origin) to avoid any divergent legal interpretations; and (2) clarify whether the non-discrimination provision of section 3 applies to non-citizens. Regarding the incorporation in section 3 of the Labour Law of an explicit reference to the additional grounds of discrimination set out in the Convention, the Government refers in its report to the "Unified Work Environment Regulations in the private sector" prohibiting discrimination during the performance of work, recruitment or in job advertisements, as well as in access to vocational training, on grounds such as sex, disability, age or any other form of discrimination (Regulation No. 4904 of 1442 Hegire (2020)). ***The Committee asks the Government to take the necessary steps to amend section 3 of the Labour Law with a view to incorporating a comprehensive definition of discrimination which includes direct and indirect discrimination and explicitly includes the seven grounds listed in the Convention. It also asks the Government to indicate whether there have been cases in which the courts have interpreted the expression "any other form of discrimination" as including discrimination based on the other grounds listed in the Convention. Recalling once again that the Convention applies to all workers (nationals and non-nationals), and observing that the Government has not clarified whether the prohibition of discrimination in section 3 of the Labour Law applies only to "citizens", the Committee is bound to request the Government to ensure that the non-discrimination provision in section 3 also applies to non-citizens so that it covers migrant workers.***

Discrimination against migrant workers. The Committee previously urged the Government to continue: (1) taking steps to ensure that all migrant workers, including women migrant workers, enjoy effective

protection against discrimination on the grounds set out in the Convention, including effective access to dispute settlement mechanisms and the right to change employer in the event of abuse; (2) taking active measures to increase the effective enforcement of existing legislation and carrying out awareness-raising activities concerning the respective rights and duties of migrant workers and employers; and (3) providing information, disaggregated by sex, race and colour, on the number of complaints lodged by migrant workers, and the number of complaints or cases that have been brought before the courts, and the remedies granted to victims. The Committee observes that, within the framework of the National Transformative Programme and the Labour Reform Initiative (2020), Decision of the Minister of Human Resources and Social Development No. 51848 of 1442 Hegire (2020) was adopted to allow for the possibility of a migrant worker putting an end to his/her employment contract and therefore changing the sponsor/employer providing that a notice period of 90 days is given. According to the Government, within this framework, migrant workers are not now required to obtain an exit visa to leave the country. The Committee notes that the Residence Regulations, issued by Act No. 17/2/25/1337 of 4 June 1959, regulating the entry and exit visa of migrant workers to and from Saudi Arabia, are still in force and have not been amended. Migrant workers are therefore still obliged to obtain permission from the employer or sponsor to leave the country. It notes however the information provided by the Government under the Forced Labour Convention, 1930 (No. 29), according to which it has adopted procedures to regulate and facilitate the granting of visas to workers to enable them to leave the country without the agreement of the employer.

With regard to raising awareness of the respective rights and duties of migrant workers and employers, the Government refers to the Labour Education online portal established to provide information on labour legislation and working conditions, as well as advice services in four languages, including English and Arabic. Awareness campaigns were also conducted through social media in collaboration with the embassies of the countries of origin of migrant workers, business centres, recruitment agencies, etc. According to the Government, during the first half of 2021, amicable settlement departments dealt with 65,789 cases, most of them related to working conditions and trafficking of migrant workers. The Committee takes note of this information. ***The Committee asks the Government to: (i) take steps to ensure that Decision of the Minister of Human Resources and Social Development No. 51848 of 1442 Hegire (2020) is applied in practice and monitored, and to provide information on the nature and number of cases in which a request for a transfer to another employer has been refused and the basis for such refusal; (ii) communicate a copy of the text regulating the procedures that have been adopted to facilitate migrant workers to leave the country when they have not obtained the agreement of the employer/sponsor, including information on the criteria on the basis of which the employer may still object to a worker's departure from the country; and (iii) provide statistical information disaggregated by sex and the other prohibited grounds of discrimination on the nature and number of complaints lodged by migrant workers, and on the number of complaints or cases that have been brought to the courts, their outcome and the remedies granted. It also asks the Government to provide information on the complaints lodged (formally or informally) regarding discrimination in wages and conditions of work between migrants and nationals, and also within the migrant community between migrants of different national origin, for the same type of jobs; as well as statistical information disaggregated by sex and the other prohibited grounds of discrimination on the number and nature of the complaints lodged by migrant workers, and on the number of complaints or cases that have brought to the courts, their outcome and the remedies granted.***

Article 2. National equality policy. With regard to the adoption of a national equality policy, the Committee notes the Government's indication that the draft national equality policy is being prepared, in consultation with the ILO and partnership with the government authorities concerned and employers' and workers' representatives and that a draft has been submitted for adoption to the competent authority. ***The Committee hopes that the national equality policy will be adopted in the near future and asks the Government to provide information on any progress in this regard.***

Promoting women's employment. In its previous comments, the Committee asked the Government to: (1) continue taking concrete steps to develop training and job opportunities in a wider range of occupations, including non-stereotypical jobs and decision-making positions, and to assist women to reconcile work and family responsibilities, for example through the development of childcare facilities; and (2) specify whether all sectors targeted by the Saudization policy are open to women. The Committee notes the Government's indication that the National Platform for Women Leaders was launched as a tool for the authorities to communicate with women leaders with a view to nominating them to leadership positions in official bodies

and delegations, as well as to decision-making positions. The Government indicates that to date 1,700 women are working in the private and public sectors and 20 per cent of the seats in the Consultative Council are occupied by women. It also indicates that efforts have been made to assist women to reconcile work and family responsibilities, including by developing the "Qurrah" programme, an e-service provided by the Human Resources Development Fund (Hadaf) that organizes childcare services with a view to supporting an increase in the number of Saudi women working in the private sector. The programme contributes to supporting women's empowerment by paying part of the cost of the monthly fees for registration in a child hospitality centre licensed by the "Qurrah" programme, up to a maximum of SR800 (US$213) a month per child and for a maximum of two children between the ages of 1 month and 6 years. As of 2020, some 4,185 beneficiaries have been provided with this service and a total of 4,928 children have benefited from the services of child hospitality centres. There are currently 374 accredited child hospitality centres under the programme throughout the country. The Committee notes the Government's indication that, within the framework of the Saudization policy, a number of sectoral activities have been opened to women, such as pharmaceutical and dental occupations, real estate and commercial sectors, which has contributed to the entry of 417,165 Saudi men and women into the labour market, of whom 54 per cent are women. ***The Committee asks the Government to continue providing information on the measures taken to enhance the participation of women in the labour market, including through measures to address stereotypes regarding women's professional aspirations, preferences and capabilities, and their role in the family. The Committee encourages the Government to continue taking steps to address the legal and practical barriers to women's access to the broadest possible range of sectors and industries, at all levels of responsibility, and to promote a more equitable sharing of family responsibilities between men and women, and to report on the results achieved in this regard.***

Article 5. Special protection measures. Restrictions on women's employment. In its previous comments, the Committee asked the Government to provide information on the steps taken to enforce the application of the 2012 Ministerial Decree prescribing that women no longer need the authorization of a guardian to work and on any cases brought to the labour inspectorate or a court concerning failure to comply with the Decree, and their outcome. The Committee notes the Government's indication that the 2012 Decree has been implemented by the enactment of Decision No. 14 of 1442 Hegire (2020) and Royal Decree No. 5 of 1442 Hegire. The Committee notes with ***interest*** that, as a result, section 150 of the Labour Law (prohibiting night work by women) has been abrogated and section 186 amended, so that work in mines or quarries is not prohibited for women any more, only for workers under 18 years of age. The Committee notes however that section 142 of the Labour Law provides that the Minister shall specify industries and occupations in which the employment of women is prohibited. ***In light of the above, the Committee asks the Government to take the opportunity of the ongoing labour review process to ensure that any restrictions on women's employment are limited to maternity in the strict sense, and to provide information on any steps taken in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Singapore

Equal Remuneration Convention, 1951 (No. 100) (ratification: 2002)

Previous comment

Articles 1 and 2 of the Convention. Assessing and addressing the gender pay gap. The Committee notes that the Government did not reply to the specific requests it made in its previous observation. It nevertheless acknowledges the Government's efforts in addressing gender pay disparities through initiatives such as the Tripartite Guidelines on Fair Employment Practices and public awareness campaigns led by the Tripartite Alliance for Fair & Progressive Employment Practices (TAFEP). These guidelines emphasize fair remuneration based on ability, performance, and experience, and the introduction of Tripartite Standards on flexible work arrangements and other employment practices are noted as positive steps. The Committee notes the Government's indication, in its report, that the

unadjusted gender pay gap decreased from 16.3 per cent in 2018 to 14.3 per cent in 2023, while the adjusted gap, considering factors like occupation and education, narrowed from 6.7 to 6 per cent during the same period, with occupational segregation remaining a significant factor. Despite these efforts, the Committee notes the continuing gender wage disparities, particularly in sectors with high female concentration, and the challenges associated with caregiving responsibilities affecting women's career progression. The Committee observes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) recognized the increase in voluntary paternity leave from two to four weeks in 2024 but expressed concern about its limited uptake by fathers and the ongoing disproportionate burden of unpaid care work on women, which impedes their economic participation (CEDAW/C/SGP/CO/6, 6 June 2024, paragraph 43). The Committee notes with ***concern*** the absence of specific legislative measures to enforce the principle of equal remuneration for men and women for work of equal "value". ***The Committee therefore urges the Government to initiate legislative reforms in order to implement the Convention's principle and to intensify efforts to address the root causes of the gender pay gap, including occupational segregation and gender stereotypes. Please provide information on the measures taken or envisaged in this regard. The Committee also requests the Government to provide updated statistical data on earnings disparities, disaggregated by sector and occupation, to evaluate progress and identify areas requiring further action.***

The Committee is raising other matters in a request addressed directly to the Government.

Slovakia

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1993)

Previous comment

Articles 1(b) and 2(2)(a) of the Convention. Work of equal value. Legislation. The Committee notes the Government's indication in its report that, by 7 June 2026, Slovakia is required to transpose into its national legislation Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal *value* between men and women through pay transparency and enforcement mechanisms. The Government adds that as part of the transposition process, it is possible to consider amending the current definition of work of equal *value* provided for in section 119a(2) of the Labour Code ("… work of equal value is considered to be work of the same or comparable complexity, responsibility and urgency, which is performed in the same or comparable working conditions and at producing the same or comparable capacity and results of work in employment relationship for the same employer") in such a way as to ensure full transposition of the Directive. In this respect the Committee recalls that in its 2006 general observation on the Convention, it stressed that: (1) work of equal *value* includes but goes beyond equal remuneration for "equal", the "same" or "similar" work, and also encompasses work that is of an entirely different nature; (2) the application of the Convention's principle is not limited to comparisons between men and women in the same establishment or enterprise; (3) comparing the *value* of the work which is done in different occupations but which is nevertheless of equal *value* overall, is essential; and (4) for the purpose of ensuring gender equality in the determination of remuneration, job evaluation methods shall be free from gender bias and classify jobs on the basis of objective factors relating to the jobs to be compared such as skill, effort, responsibilities and working conditions. ***In light of the upcoming transposition of Directive (EU) 2023/970 into the national legal framework, the Committee firmly hopes that the Government will seize this opportunity to amend the definition of "work of equal value" provided for in section 119a(2) of the Labour Code. The Committee urges the Government to ensure that, when determining whether two jobs are of equal value, the overall value of the jobs is considered and that the definition allows for jobs of an entirely different nature to be compared free from gender bias and that the comparison goes beyond the same employer. Please provide information on any progress achieved in that regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1993)

Previous comment

Articles 1 and 2 of the Convention. Discrimination on the basis of race or national extraction. Roma. For more than 15 years now, the Committee has been referring to the discrimination faced by the members of the Roma Community and their difficulties in integrating into the labour market. In its previous comment, the Committee noted the adoption of the Strategy for the Integration of Roma until 2030 ("the 2030 Strategy") and particularly that "employment" is one of the four priority areas of the 2030 Strategy, and that sub-objective 4 aims to "reduce discrimination in the labour market and other forms of anti-Roma racism". The Committee notes with ***concern*** that, despite its numerous requests over the years to assess the results of the existing programmes and to communicate the results of this assessment, once again the Government does not provide this information. The Committee also notes with ***concern*** the Government's repeated statement that statistical information as well as data on discrimination cases are not available. In that regard, the Committee refers the Government to paragraphs 858 and 891 of its 2012 General Survey on the fundamental Conventions. The Committee reminds the Government of the possibility to avail itself of the technical assistance of the Office in this regard. The Committee further notes that, in April 2023, the European Commission brought Slovakia to the European Court of Justice for not sufficiently addressing discrimination against Roma children at school, in violation of the European Union Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The European Commission acknowledges that since the initiation of an infringement procedure against Slovakia in 2015, the country has implemented a series of legislative reforms and adopted multiple strategies and action plans to promote the inclusion of Roma in education. However, after carefully assessing those measures and monitoring the situation on the ground, the European Commission concluded that (i) the reforms undertaken so far are insufficient; (ii) the discrimination of Roma children in education in Slovakia continues to persist; (iii) Roma children are often placed in special schools for pupils with mild mental disabilities; (iv) many Roma children who attend mainstream education are also segregated, in separate classes or schools; and (v) in Slovakia, 65 per cent of 6–15 years old Roma pupils attend schools where all or most pupils are Roma, which is a 5 percentage-point increase compared to 2016. Finally, the Committee notes that, in its concluding observations, the United Nations Committee on the Elimination of Racial Discrimination (CERD) observed that discrimination against Roma persists in Slovakia and reiterated its recommendation that the country take all necessary measures to address the root causes of discrimination and segregation of Roma children in the education system and intensify its efforts to ensure that they enjoy equal opportunities in access to quality education (CERD/C/SVK/CO/13, 16 September 2022, paragraph 33). ***The Committee urges the Government: (i) to take the necessary steps to ensure that the results and impact of the actions and programmes implemented, including within the framework of the action plans derived from the Strategy for the Integration of Roma until 2030 and the Recovery and Resilience Plan, are assessed and asks the Government to communicate the results of this assessment; and (ii) to report on any proactive measures implemented to effectively prevent and penalize acts of discrimination against Roma individuals in employment and occupation (these measures should include awareness-raising efforts aimed at addressing stereotypes and prejudices). Given the lack of information provided on this matter, the Committee reiterates its request for: (i) details on actions taken to end the segregation of Roma pupils in schools, along with any resulting outcomes; (ii) updates on steps taken or planned to gather statistical data on the labour market situation of Roma individuals, disaggregated by sex; and (iii) information on any discrimination cases addressed by the Labour Inspectorate, the Ombudsperson,***

courts, or other competent authorities, as well as details of any penalties imposed and remedies granted.

The Committee is raising other matters in a request addressed directly to the Government.

Slovenia

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1992)

Previous comment: observation

Previous comment: direct request

Article 1(1)(a) of the Convention. Discrimination on the ground of national extraction. The Committee notes with ***satisfaction*** that, in December 2018, an amendment was adopted to the Act Regulating Compensation for Damage Sustained from Removal from the Register of Permanent Residents. This amendment removes the cap on compensation amounts in court proceedings, allowing for payment of the full principal amount of compensation. The Government confirms, in its report, that affected individuals are entitled to full compensation for pecuniary damages and fair compensation for non-pecuniary damages. These individuals may: (1) submit a compensation claim (€50 per month of "erasure") in administrative proceedings, with the option to appeal the decision to the Ministry of Interior; (2) pursue a compensation claim through court if the damages exceed the awarded or awardable amount in administrative proceedings; and (3) seek other forms of redress, such as contributions for compulsory health insurance, priority access to social assistance programmes, eligibility for state scholarships, and preferential access to integration programmes for foreigners. The Government further explains that specific exceptions may apply to the maximum filing periods for administrative and judicial claims, especially if the applicant's process for obtaining a permanent residence permit or citizenship remains unresolved. ***The Committee requests the Government to provide data on the number of claims received, the claims deemed admissible, and the average compensation amounts granted.***

Article 2. Equality of opportunity and treatment. Roma. The Committee notes that, according to 2023 data provided by the Government, more than half of registered unemployed Roma did not have a primary school-level education (55 per cent). Thus, it welcomes the very detailed information provided by the Government with respect to measures adopted to promote access of Roma children to preschool education by: (1) strengthening Roma children's language competence in Romani and Slovenian, as well as their knowledge about Roma cultural heritage; (2) promoting innovative and flexible teaching practices in multifunctional Roma centres; (3) raising the competences of professional staff working with Roma pupils; (4) employing Roma assistants in kindergartens and as additional school teachers and counsellors; or (5) inspecting cases of absenteeism at school. The Committee notes the Government's indications that the National Programme of Measures for the Roma for 2021–2030 has been adopted, which includes measures regarding education, employment, social protection and social integration. The Government reports annually to the National Assembly of the Republic of Slovenia on the situation of the Roma community in Slovenia and the implementation of this National Programme. The Government adds that: (1) the Roma are considered a priority target group of labour market measures and active employment policy programmes, particularly in community work programmes; (2) the National Platform for Roma Project monitors the implementation of measures for Roma inclusion; (3) before the entry into force of the Personal Data Protection Act on 26 January 2023, the Advocate of the Principle of Equality made systemic efforts to eliminate concerns about the lawfulness of obtaining statistics on ethnicity, as the collection of such personal data was not supported by members of the Roma community. The Advocate invited the Ministry of Justice to clarify that the exception allowing for the collection of personal data on national/ethnic origin is permissible in the context of the protection

of minorities, i.e. the implementation of special measures and action in the field of identifying and eliminating discrimination, and it also offered support in formulating the normative part of the text, based on the European Data Protection Board Guidelines on consent; (4) the Advocate also undertakes awareness-raising initiatives, such as developing a booklet in Slovenian and Romani on the situation of members of the Roma community in terms of employment, work, and education, and a manual on protection against discrimination and equal opportunities in employment and work; etc. ***The Committee asks the Government: (i) to indicate how the recent possibility to collect data on ethnicity is being used to inform and evaluate public policies, as well as to sensitize the general public about the persistent discrimination of the Roma community; and (ii) to continue to provide detailed information on the results of the various initiatives taken to promote non-discrimination in education and employment of Roma women and men.***

The Committee is raising other matters in a request addressed directly to the Government.

Suriname

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 2017)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1(1)(a) of the Convention. Discrimination based on sex. Sexual harassment. The Committee refers to its previous comment and notes the Government's confirmation that the draft Violence in the Workplace and Sexual Harassment Act has been amended to include the prohibition of sexual harassment in vocational training, access to employment and performing work in an occupation. The Government also confirms that the protection against sexual harassment includes harassment by co-workers and clients and other persons met in connection with the performance of work as well as employers and supervisors. However, the Committee notes with ***regret*** that the draft Bill has not been adopted yet. ***The Committee therefore asks the Government to: (i) ensure that the draft Violence in the Workplace and Sexual Harassment Act includes a prohibition of both quid pro quo and hostile work environment sexual harassment; (ii) take all the necessary measures to ensure its adoption in the nearest future; and (iii) provide information on any developments in this respect, as well as a copy of the Act once adopted.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Sweden

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1962)

Previous comment

Article 1(1)(a) of the Convention. Prohibited grounds of discrimination. Legislation. Further to its previous comment, the Committee notes the Government's indication in its report that: (1) at the moment, there are no plans to provide for protection against discrimination on grounds other than those that are currently listed in the Discrimination Act (2008:567), which do not include "political opinion" and "social origin"; and (2) according to Article 14 of the European Convention on Human Rights (which was incorporated into Swedish law in 1995), "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, *political or other opinion*, national or *social origin*, association with a national minority, property, birth or other status". The Committee considers that Convention No. 111 and the European Convention on Human Rights are complementary and mutually reinforcing. However, this does not in

itself dispense the Government from adopting protective legislation including at least all of the grounds of discrimination specified in *Article 1(1)(a)* of the Convention. ***Therefore, the Committee once again asks the Government to: (i) take the necessary steps to ensure that the legislation includes an explicit prohibition of discrimination on the grounds of "political opinion" and "social origin"; and (ii) provide information on any progress made to that end. In the meantime, the Committee once again asks the Government to provide information on the steps taken to ensure protection, in practice, against discrimination in employment and occupation on both grounds, as well as any relevant administrative or judicial decisions handed down in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

Switzerland

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
(ratification: 1961)

Previous comment: observation

Previous comment: direct request

Articles 1 and 2 of the Convention. Effective protection against discrimination in employment and occupation. Legislation. For many years, the Committee has been drawing the Government's attention to the fact that the legal measures in force are inadequate to ensure the effective and comprehensive protection of workers against discrimination in employment and occupation and to enable them to assert their rights in this respect. The relevant constitutional provisions (in particular section 8 of the Federal Constitution) are not directly applicable to relations between individuals, and the penal provision (section 261 *bis* of the Penal Code) is not often applicable in the field of employment. In addition, only discrimination on the basis of sex is prohibited by a specific law (the Federal Act on Equality between Women and Men) which covers all aspects of employment and occupation. On several occasions the Committee has asked the Government to take the measures necessary to establish, in addition to the Federal Act on equality between women and men, an effective legal framework adapted to the world of work to prohibit discrimination on the grounds enumerated in *Article 1(1)(a)* of the Convention. The United Nations Committee on the Elimination of Racial Discrimination (CERD) has issued similar recommendations to Switzerland specifically concerning racial discrimination (CERD/C/CHE/CO/10-12, paragraph 6(a)). The Committee therefore notes with ***regret*** that the Government does not refer in its report to any progress in this respect. The Government is convinced that the existing legal framework ensures effective protection of workers against discrimination in employment and occupation and enables them to assert their rights effectively. It considers that Switzerland has an effective legal framework adapted to the world of work, which also guarantees effective access to justice for victims of discrimination in these matters, and that the scarcity of judicial decisions on issues of discrimination is a relevant indicator in this respect. In this regard, the Committee recalls that where no cases or complaints, or very few, are being lodged, this is likely to indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in or absence of practical access to procedures, or fear of reprisals (see the 2012 General Survey on the fundamental Conventions, paragraph 870).

The Committee notes that a large amount of information is available on the extent of issues of discrimination in practice. In particular, it notes with ***concern*** information from the work of the Service for Combating Racism (SLR) indicating that in 2022, 17 per cent of the Swiss resident population reported having experienced racial discrimination in the previous five years and that almost 70 per cent of such cases took place in the world of work. In addition, a study commissioned by the SLR to examine structural racism in various areas of life concluded that there is particularly substantial evidence of discrimination in the world of work. The Committee notes in this respect that, according to information

available on the Federal Commission against Racism (CFR)'s website, two of its four priority areas for 2024–27 are: (1) improving protection against racial discrimination in civil law and (2) structural racism. The Committee recalls that, given the persisting patterns of discrimination on the grounds of race, colour and national extraction, in most cases there is a need for comprehensive legislation containing explicit provisions defining and prohibiting discrimination in all aspects of employment and occupation, in order to ensure full application of the Convention. In this regard, it refers the Government to its general observation on discrimination based on race, colour and national extraction, adopted in 2018.

In this context, the Committee once again urges the Government to take the measures necessary to establish a comprehensive legal framework adapted to the world of work that: (i) includes a definition and a prohibition of direct and indirect discrimination; (ii) covers at least all the grounds enumerated in Article 1(1)(a) of the Convention, which are not yet covered, that is, colour, race, religion, political opinion, national extraction and social origin; (iii) applies to all stages of employment and occupation (access to vocational training, access to employment and to particular occupations, and terms and conditions of employment); and (iv) establishes enforcement mechanisms and ensure effective access to justice for victims of such discrimination.

The Committee is raising other matters in a request addressed directly to the Government.

Syrian Arab Republic

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1957)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes the complexity of the situation prevailing on the ground and the armed conflict in the country.

Articles 1 and 2 of the Convention. Legislative developments. Work of equal value. The Committee previously noted that section 75(a) of the Labour Code of 2010 provides for the principle of equal remuneration for work of equal value as enshrined in the Convention. It notes however that section 75(b) defines "work of equal value" as "work that requires equal scientific qualifications and professional skills, as attested by a work experience certificate". The Committee points out that such a definition restricts the full application of the principle as set out in the Convention. The Committee recalls that the concept of "work for equal value" lies at the heart of the fundamental right of equal remuneration for men and women for work of equal value, and the promotion of equality. This concept is fundamental to tackling occupational sex segregation in the labour market, which exists in almost every country, as it permits a broad scope of comparison, including, but going beyond equal remuneration for "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, which is nevertheless of equal value. Moreover, the Committee recalls that the principle has been applied to compare the remuneration received by men and women engaged in different occupations, such as wardens in sheltered accommodation for the elderly (predominantly women) and security guards in office premises (predominantly men); or school meal supervisors (predominantly women) and garden and park supervisors (predominantly men) (2012 General Survey on Fundamental Conventions, paragraphs 673 and 675). ***In light of the above, the Committee asks the Government to take the necessary measures to amend section 75(b) of the Labour Code in order to ensure equal remuneration for men and women not only in situations in which they perform the same work, but also in situations in which they carry out work which is different but nevertheless of equal value.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Thailand

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1999)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 1(b) and 2 of the Convention. Equal remuneration for men and women for work of equal value. Legislation. In its previous observation, the Committee noted that section 53 of the Labour Protection Act of 2008, in providing only equal wages in cases where men and women perform work of the same nature, quality and quantity, did not fully reflect the principle of the Convention. It: (1) expressed the hope that the necessary steps would soon be taken to amend it in order to include the principle of equal remuneration for men and women for work of equal value explicitly; (2) requested the Government to report on the progress made in this regard; and (3) asked for information on any further activities undertaken, in cooperation with workers' and employers' organizations, to promote the principle of the Convention in the public and the private sectors. The Committee notes with ***satisfaction*** that section 53 of the Labour Protection Act was amended in 2019 (B.E. 2562/2019) so as to prescribe that an employer shall set equal rates of wage, overtime pay, holiday pay, and holiday overtime pay for men and women for "work of equal value". The Committee also notes that, in its report, the Government indicates that under the Homeworkers Protection Act (B.E. 2553/2010) informal workers are recognized as having the right to equal remuneration, irrespective of their sex. The Committee notes that section 16 of the Homeworkers Protection Act prescribes equal remuneration for work "of the same nature and quality and with the same quantity" only, which is narrower than the principle of the Convention. Concerning the activities undertaken in cooperation with the social partners to promote the principle of the Convention in the public and the private sectors, the Committee notes the information provided by the Government on various initiatives, including awareness-raising activities on good labour practices and reach-out activities for businesses. ***The Committee asks the Government to provide information on the application in practice of section 53 as amended (B.E. 2562/2019) of the Labour Protection Act, including any judicial decisions invoking this provision and any violation detected by the labour inspectors, the sanctions imposed and the remedies granted. The Committee asks the Government to adopt the necessary measures so that section 16 of the Homeworkers Protection Act (B.E. 2553/2010) is aligned in the near future to the amended section 53 of the Labour Protection Act in order to include the principle of equal remuneration for men and women for work of equal value explicitly. The Committee also asks the Government to continue to provide information on the activities undertaken, in cooperation with workers' and employers' organizations, to promote the principle of the Convention in the public and the private sectors and to raise awareness about it.***

Articles 2 and 3. Determination of remuneration. Objective job evaluation. Public sector. In its previous observation, the Committee urged the Government to indicate the specific measures taken to ensure that job descriptions and the selection of factors for job evaluation are free from gender bias, and more particularly with regard to employees working in the public service who are not public officials. The Committee also requested the Government to provide statistical data, disaggregated by sex, on the distribution and remuneration of men and women in the various groups of the compensation schedule. The Committee notes the Government's indications that the Remuneration System Manual for Civil Servants, which has been elaborated by the Office of the Civil Service Commission, sets out the factors that must be taken into account when determining remuneration rates for civil servants. Among these factors figures the "value of the work" performed, however the criteria used to determine the value of the work performed are not indicated. The Committee recalls that in order to determine the value of work, the use of appropriate techniques for objective job evaluation, comparing factors such as skills, effort, responsibilities and working conditions, is required (see 2012 General Survey on the fundamental Conventions, paragraph 675). ***The Committee requests the Government to indicate how the value of the work performed by men and women is determined for the purpose of setting remuneration rates in the public sector and how it is ensured that there is no gender bias in the process, so as to comply fully with the principle of the Convention. The Committee also reiterates its request for statistical data, disaggregated by sex, on the distribution and remuneration of men and women in the various groups of the compensation schedule.***

The Committee is raising other matters in a request directly addressed to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Uganda

Equal Remuneration Convention, 1951 (No. 100) (ratification: 2005)

Previous comment

Article 1(a) of the Convention. Definition of remuneration. Legislation. The Committee notes with ***concern*** that, while the Parliament of Uganda passed the Employment Amendment Bill No. 2 of 2022 on 24 May 2023 (a bill that is yet to receive presidential assent as of early December 2024), it did not amend section 2 of the Employment Act 2006 in order to supersede serious gaps or misleading notions in the legislation in force. Indeed, section 2 continues to exclude explicitly "contributions made or to be made by the employer in respect of his or her employee's insurance, medical care, welfare, education, training, invalidity, retirement pension, post-service gratuity or severance allowance" despite its previous undertaking that amendments of the Employment Act, 2006, addressing, inter alia, the concerns raised in relation to the definition of remuneration had been drafted. The Committee recalls once again that, in order to implement fully the principle of equal remuneration for work of equal *value*, enshrined in the Convention, it is necessary to ensure that "remuneration" is defined so as to include the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever, payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment. Such a broad definition is necessary because, if only the basic wage were being compared, much of what can be given a monetary value arising out of the job would not be captured, and such additional components are often considerable (see the 2012 General Survey on the fundamental Conventions, paragraphs 686 and 687). ***The Committee therefore urges the Government to take steps to amend section 2 of the Employment Act to ensure that "remuneration" is defined to include not only the ordinary, basic or minimum wage or salary but also any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment. Please provide a copy of the amended text once adopted.***

Article 4. Cooperation with employers' and workers' organizations. The Committee notes with ***concern*** the Government's indication that the term of office of members of the Labour Advisory Board has long expired (2018) and that a new Board is yet to be constituted. ***Therefore, the Committee urges the Government to take the necessary measures in order to establish the new Labour Advisory Board and to provide information on its activities and any other initiatives undertaken by workers' and employers' organizations with a view to promoting the principle of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Ukraine

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1956)

Previous comment

Articles 1–4 of the Convention. Gender pay gap and its underlying causes, including occupational gender segregation. The Committee notes that the Government, in its report, repeats the information previously provided regarding the Equal Pay International Coalition (EPIC), the Biarritz Partnership for Gender Equality and the development of a National Strategy to reduce the gender pay gap. It also notes that the Government indicates that: (1) in September 2022, as part of EPIC, staff from the Ministry of Economy participated in the first online session on the analysis of the underlying causes of the gender pay gap; (2) an analysis was carried out to determine the root causes of the gender pay gap at two levels: "the immediate causes and the deep causes"; this analysis contributed to the formulation of strategic

operational goals, tasks and measures to address the causes of the gender pay gap; (3) the Ministry of Social Policy, with the involvement of social partners and other stakeholders and with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), developed and adopted a National Strategy for Ensuring Equal Rights and Opportunities for Women and Men for the period up to 2030 and an operational plan for its implementation; (4) in October of 2023, the Ministry of Economy, the ILO and UN Women participated in the event: "Towards the implementation of the National Strategy to overcome the gender pay gap for the period until 2030 and the contribution of partners to this process"; and (5) in November 2023, at the request of the Ministry of Economy, together with representatives of the ILO, the event "The principle of equal pay for work of equal value in international labour standards, European Union legislation and other legal acts" was held for experts working on the modernization of labour legislation. The Committee notes that the Government cannot provide updated statistical data on the evolution of the gender pay gap, due to the suspension of publication of statistical information during martial law. It adds that up to 2021, the gender pay gap had been showing a steady decrease but that due to the war, it has once again increased, as a large number of women of working age with children were forced to go abroad, while men aged 18 to 60 years who are able to perform military duty are subject to general mobilization in Ukraine. The Committee notes, from the Government's report to the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) that the outcomes achieved through the implementation of the National Strategy for Ensuring Equal Rights and opportunities for Women and Men for the period up to 2021 include: (1) an increased participation of women in the Parliament and local councils; (2) a reduced gender pay gap; and (3) the integration of a gender component into regulations. However, the rate of men among the persons on parental leave until a child reaches the age of 3 has not increased, and women's representation at the senior level of public service has remained almost unchanged (CEDAW/C/UKR/9, 29 December 2021, paragraph 84).

The Committee further observes that the CEDAW, in its concluding observations, noted with concern: (1) the risk of roll-back of achievements in gender equality in the current conflict context; (2) the persistent stereotypes on the patriarchal roles and responsibilities of women and men in the family and in society, despite efforts to combat discriminatory gender stereotypes in the media, including awareness-raising campaigns; (3) the continued horizontal and vertical segregation in the labour market and the high concentration of women in low-paid jobs, in the informal sector and in positions in the formal sector, for which the employer does not declare income for tax and social protection; (4) the orientation of women and girls to traditionally female-dominated occupations in career guidance at the educational level and in programmes for unemployed women; and (5) the persistent gender pay gap, despite continued efforts to reduce it by the Government (CEDAW/C/UKR/CO/9, 1 November 2022, paragraphs 23(e), 27 and 39). The Committee notes the persisting gender pay gap and the continued horizontal and vertical occupation segregation in the country. ***While noting the extremely difficult situation in the country, the Committee therefore once again asks the Government to: (i) pursue its efforts to reduce the gender pay gap and to provide information on the measures adopted to this end, including in the framework of EPIC, the Biarritz Partnership for Gender Equality, the National Strategy for Ensuring Equal Rights and Opportunities for Women and Men or otherwise, as well as on the impact of these measures; (ii) provide detailed information regarding the planned adoption of a draft National Strategy to reduce the gender pay gap and, if applicable, on its contents, implementation and results; (iii) refer to its comments under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), with regard to the persistence of high levels of occupational gender segregation, and to take steps to address this issue; and (iv) provide, if possible, detailed statistics on the wages and salary levels of men and women, by sector of economic activity and, if possible, occupational category, as well as any information or survey available on the gender pay gap.***

Articles 1(b) and 2. Equal remuneration for men and women for work of equal value. Legislation. The Committee recalls that section 17 of the Law on Ensuring Equal Rights and Equal Opportunities of

Women and Men (2005) which requires employers "to pay equally for the work of women and men with the same qualification and the same working conditions" does not give full legislative expression to the principle of equal remuneration for men and women for work of equal value. The Committee notes the Government reiterated general statement that it is actively working on achieving full compliance with all EPIC criteria, including ensuring that its legislation complies with the principle of the Convention. ***The Committee once again requests the Government to: (i) take all the necessary steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value, including by amending section 17 of the Law on Ensuring Equal Rights and Opportunities of Women and Men (2005) accordingly; and (ii) provide information on the application in practice of section 17 of the Law, including on the number of cases brought before the competent authorities and their outcome (sanctions imposed and remedies granted). The Committee also requests the Government to provide an update on the labour law reform and, if applicable, to include provisions reflecting the principle of the Convention in the future Labour Code.***

Article 3. Objective job evaluation. The Committee notes that the Government merely reiterates the information previously provided. ***It therefore once again asks the Government to: (i) take steps towards the development, adoption and implementation of a gender-neutral objective job evaluation method, in the context of the adoption of the draft national strategy to reduce the gender pay gap or otherwise; and (ii) promote the use of objective job evaluation methods, free from gender bias, in the establishment of wages and salary scales in the private and the public sectors, including when determining remuneration in collective agreements.***

The Committee is raising other matters in a request addressed directly to the Government.

Uruguay

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1989)

Previous comment

Articles 1 and 4 of the Convention. Gender wage gap. The Committee notes that, in response to its previous comments on the impact of the burden of unpaid work on the persistent wage gap, the Government has provided in its report general information on several campaigns led by the National Institute for Women between 2021 and 2023, aimed at promoting the recognition and redistribution of unpaid work, promoting women's economic autonomy and bringing visibility to gender inequalities in terms of both access to paid employment and education. The Committee notes that, in its concluding observations, the United Nations Committee on the Elimination of Discrimination against Women notes with concern the significantly lower labour force participation rate of women; the persistent wage gap, in particular in scientific and technical professions and in the finance and insurance sectors; and women's underrepresentation in managerial positions in private companies despite high levels of education (CEDAW/C/URY/CO/10, 14 November 2023, paragraph 33). The Committee notes that, according to ILO (ILOSTAT) estimates, in 2023: (1) the activity rate was 71.2 per cent for men and 57.3 per cent for women; and (2) the gender wage gap was 4.8 per cent overall, increasing to 27.8 per cent in managerial positions, and 19.6 per cent in professional positions. ***The Committee welcomes the information provided and asks the Government to: (i) continue its collaboration with the most representative employers' and workers' organizations to address more effectively the structural barriers limiting women's access to high-level positions in undertakings and institutions; and (ii) to provide more detailed information on the measures taken to address the underlying causes of the gender pay gap (such as the unequal distribution of unpaid care work), and the results achieved. The Committee requests the Government to provide, to the extent possible, disaggregated statistics on the gender pay gap by sector of activity.***

Articles 1 and 2. Equal remuneration for men and women for work of equal value. Definition of remuneration. Legislation. Further to its previous comments, the Government refers to the definition of "wages" in section 22 of Act No. 16.074 on occupational accidents; however, the Committee notes that this definition of wages, which is limited to regular and permanent income in an employment relationship, may be more restrictive than the definition of "remuneration" in the Convention, which covers any emoluments whatsoever payable directly or indirectly, whether in cash or in kind, and are not limited to permanent or regular income. In this regard, the Committee underscores the importance of having a clear legislative framework to ensure the application of the Convention in practice and to ensure that men and women have a clear legal basis for asserting their right to equal remuneration. ***The Committee once again requests the Government to include definitions of the terms "remuneration" and "work of equal value" in the legislation to give full legislative expression to the principle of the Convention, and to provide information on any progress made in this regard.***

Articles 2(2)(b) and 3 of the Convention. Wage Board and objective appraisal of jobs. The Committee notes the concluding observations of the United Nations Committee on the Elimination of Discrimination against Women, which recommend that the State party regularly review wages and benefits in sectors where women are overrepresented and adopt measures to close the gender pay gap, including through gender-inclusive job classification and evaluation methods (CEDAW/C/URY/CO/10, paragraph 34). The Committee recalls that one of the key aspects of the application of the Convention is to determine whether jobs are of "equal value", which requires some method of measuring and comparing the relative value of different jobs, normally through objective job evaluation. While the Convention does not prescribe any specific method for such an examination, *Article 3* presupposes the use of appropriate techniques for objective job evaluation to determine value, comparing factors such as skill, effort, responsibilities and working conditions (see the 2012 General Survey on the fundamental Conventions, paragraphs 657, 675, 695 and 700–703). ***The Committee requests the Government to ensure the existence of a mechanism for the objective appraisal of gender-inclusive jobs in the public sector and to promote such appraisal in the private sector, in accordance with Article 3 of the Convention. The Committee requests the Government to provide information in this regard.***

Bolivarian Republic of Venezuela

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1982)

Previous comment

The Committee notes the observations of the Confederation of Autonomous Trade Unions (CODESA), the Confederation of Workers of Venezuela (CTV), the Federation of University Teachers' Associations of Venezuela (FAPUV), the General Confederation of Workers (CGT), the Independent Trade Union Alliance Confederation of Workers (CTASI), the National Union of Workers of Venezuela (UNETE) and the United Federation of Workers of Venezuela (CUTV), received on 31 August 2024. ***The Committee requests the Government to provide its comments in this respect.***

Articles 1(a) and 2 of the Convention. Definition of remuneration. Legislation. Since 2014, the Committee has been urging the Government to amend its legislation to ensure that, except for the wage, all additional benefits received by workers and arising out of their employment, are considered as remuneration for the purposes of the application of the Convention (see the 2012 General Survey on the fundamental Conventions, paragraphs 686–694). The Committee notes with ***concern*** that the Government provides no indication in its report of any progress in this respect and that it affirms its position that the Convention is duly implemented given that the benefits under section 105 of the Basic Act concerning labour and men and women workers (LOTTT) are of an accidental, potential and social character. The Government also emphasizes the difficulty in reforming constitutional labour regulations. The Committee reiterates once again that, in order to ensure application of the Convention,

if only the basic wage were being compared, much of what can be given a monetary value arising out of the job would not be captured, and such additional components are often considerable, making up increasingly more of the overall earnings package. The Committee notes that this is all the more concerning in view of the observations of the above-mentioned trade unions, which emphasize that wage bonuses have become standard for pay adjustment and that, further to the fixing of the minimum wage in 2022, subsequent increases have been decided by means of meal allowances or vouchers *(cesta ticket)*, the value of which is more than ten times the value of the minimum wage and the "economic war bonuses" allocated by the Government at its discretion. ***The Committee once again urges the Government to amend its legislation to ensure that all additional benefits received by workers and arising out of their employment, such as those set out in section 105 of the LOTTT, are considered as remuneration for the purposes of applying the principle of the Convention in accordance with the definitions set out in Article 1(a).***

Articles 1(b) and 2. Equal remuneration for men and women for work of equal value. Legislation. The Committee recalls that, since 2003, it has been referring to the need to include in the legislation the principle of equal remuneration for men and women for work of equal "value". The Committee notes with ***concern*** that the Government has not reported any progress in this regard. The Committee notes that the Government merely refers, in general, to article 21 of the Constitution and section 20 of the LOTTT to guarantee equality and equity between men and women workers, and to the fact that section 109 of the LOTTT is a binding public order rule, and that there is currently no claim against labour inspection alleging violation of that provision. The Committee notes the observations of the trade unions, stating that the Government does not recognize that the legislation is narrower than the Convention and that the Government's reply does not describe how section 109 of the LOTTT is applied. ***The Committee once again urges the Government to take the necessary measures without delay to amend section 109 of the LOTTT in order to give full legislative expression to the principle of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1971)

Previous comment

The Committee notes the observations of the Confederation of Autonomous Trade Unions (CODESA), the Confederation of Workers of Venezuela (CTV), the Federation of University Teachers' Associations of Venezuela (FAPUV), the General Confederation of Workers (CGT), the Independent Trade Union Alliance Confederation of Workers (CTASI), the National Union of Workers of Venezuela (UNETE) and the United Federation of Workers of Venezuela (CUTV), received on 31 August 2024. ***The Committee requests the Government to provide its comments in this regard.***

Article 1(1)(a) of the Convention. Discrimination on the basis of political opinion. The Committee recalls that, in its previous comments, it noted the high number of acts relating to discrimination on the basis of political opinion denounced for many years by various trade union confederations in the country, and it firmly urged the Government to take measures without delay to establish a working group involving all the trade union organizations concerned in order to examine and deal with all the complaints in question. The Committee expresses ***deep regret*** that the Government has not provided information in its report on any measures in this respect. The Committee notes the Government's repeated indication that it is the guarantor of the protection of the rights of all men and women workers, its reference to the legislative framework to combat discrimination and its indication that it is the responsibility of the competent bodies (the Institute for Occupational Prevention, Safety and Health and the labour inspectorate) to receive complaints and determine the existence of political discrimination. The Government adds that, with reference to the dismissal of over 650 public officials, workers and

contractual workers of the National Assembly, the labour inspection services have only had 112 cases referred to them which are under examination, but that "in none of the alleged cases can it be claimed that they involve work-related harassment or that the dismissals were based on political discrimination, since the State of Venezuela upholds the values of the rule of law and political pluralism". The Committee notes with ***deep concern*** that it is continuing to receive observations from the trade unions referred to above alleging dismissals, threats, harassment and discrimination in employment and occupation on grounds of political opinion in the public administration and State enterprises, particularly following the presidential election in 2024 in relation to workers who did not support the presidential candidate, who had expressed support for opposition figures and who questioned the official results. The trade unions also indicate that measures have not been taken for the establishment of the working group as urged by the Committee and that State institutions are not currently capable of dealing independently with complaints of discrimination in employment on political grounds, for which reason many of them are raised in the media. The trade unions add that the Trade Union Network (a support platform for Venezuelan trade unions) has established complaint mechanisms to support the victims of political discrimination. The Committee further notes that both the Government and the trade union organizations referred to above refer to cases of trade union discrimination, some of which are under examination by the ILO Committee on Freedom of Association (Cases Nos 3374 and 3451).

The Committee also notes with ***concern*** the serious situation of political discrimination in the country, as described in the reports and press releases of United Nations bodies and the Inter-American Human Rights system. The independent international fact-finding mission on the Bolivarian Republic of Venezuela (MII), established in 2019, indicates in its report and detailed conclusions of 2024 that: (1) a climate of generalized hostility, violence and fear among the population has been created in the country, and the multiple violations of human rights form part of "a State policy to silence, discourage, and stifle opposition"; (2) since October 2023, "the State began to reactivate its machinery of repression" and the repression intensified following the presidential election on 28 July 2024 in order to silence political opponents or persons perceived as such, including the general public, targeted for simply demonstrating their disagreement with the Government or the results of the election; and (3) cases have been documented of the harassment, threats, persecution and detention of journalists and human rights defenders, the dismissal and imprisonment of prosecutors and judges for refusing to issue arrest warrants without a legal basis and failing to identify crimes in relation to police detentions, the dismissal of dissident public officials and the arrest of business owners or workers, and their relatives, simply for providing accommodation, food, transport or technical production services for the electoral events of the opposition (A/HRC/57/CRP.5, of 14 October 2024, paragraphs 65, 860 and 864-869; and A/HRC/57/57, of 19 September 2024, paragraphs 30, 52, 63, 96 and 100). The Committee notes that the United Nations Human Rights Council has expressed alarm "at continued reports of worsening human rights violations and abuses and increasing restrictions of civic and democratic space" and decided to extend the mandate of the MII until 2026 (A/HRC/RES/57/36, of 14 October 2024, preamble and paragraph 16). Various independent experts of the United Nations, as well as the High Commissioner for Human Rights, have also expressed concern at the human rights violations against members of the opposition or those perceived to be connected to them (press releases of 4 September 2024 and 13 August 2024).

The Committee also notes that the Inter-American Commission on Human Rights (IACHR) has issued alerts concerning political persecution in the country (press releases Nos 166/24, of 19 July 2024, and 159/24, of 8 July 2024) and in various cases has granted precautionary measures requesting the country to adopt the necessary measures to ensure that the beneficiaries can continue engaging in political activities, journalism or the defence of human rights without being subjected to threats, harassment or violence.

The Committee also recalls that, in the report of the Commission of Inquiry appointed under article 26 of the ILO Constitution relating to the Minimum Wage-Fixing Machinery Convention, 1928

(No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Commission of Inquiry noted in its conclusions the existence of "a climate of hostility, interference and the exclusion of social dialogue for employers' and workers' organizations that are not close to the Government, as well as for their leaders and members" (Report of the Commission of Inquiry, 2019, Chapter 7).

The Committee considers that a climate of violence, insecurity and intimidation such as that described by the information received, United Nations Bodies and the IACHR favours serious acts of discrimination in employment and occupation against persons who express their views on political matters. The Committee ***deeply deplores*** that, as a result of exercising the right of expression on political matters, workers are subjected to the violations of their human rights noted by United Nations bodies.

Under these conditions, the Committee urges the Government to take the necessary measures to comply with its observations on this subject and therefore once again firmly urges the Government to: (i) take measures without delay to establish a working group involving all the representatives of the trade union organizations concerned – including the Office of the Ombudsman if the parties consider it appropriate – to examine and deal with all the complaints in question; and (ii) guarantee the safety and physical security of the participants in the working group and ensure that they do not suffer from threats or intimidation of any type. The Committee also requests the Government to: (i) take urgent additional measures to eradicate discrimination in employment and occupation for political reasons and provide adequate protection to workers in the event of discrimination on grounds of political opinion; and (ii) provide information on the results of any investigations undertaken on complaints to the administrative or judicial authorities of acts of discrimination on grounds of political opinion.

Discrimination on the basis of national extraction. Legislation. ***The Committee notes the information provided by the Government, which does not cover what is required in the Convention, and once again firmly urges the Government to take the necessary measures to ensure that the legislation explicitly includes national extraction (discrimination between persons who, although of the same nationality, are of foreign birth or origin, are descended from foreign immigrants or belong to groups with different origins) as one of the prohibited grounds of discrimination. The Committee requests the Government to provide information on any measures adopted or envisaged in this respect.***

Discrimination on the basis of sex. Sexual harassment. The Committee notes the Government's indication in its report that the National Institute for Occupational Prevention, Safety and Health (INSASEL) has the competence to receive complaints of labour and sexual harassment and infringements of the Basic Act on prevention, working conditions and the working environment (LOPCYMAT). The Committee notes that, in its concluding observations of 2023, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) notes with concern information received on sexual harassment against women and girls in education institutions and reports of sexual harassment and other forms of gender-based violence against women in the workplace (CEDAW/C/VEN/CO/9, 31 May 2023, paragraphs 33 and 35). ***The Committee once again requests the Government to provide information on: (i) the training carried out with entities responsible for receiving complaints of sexual harassment, and particularly on whether these deal with issues related to sexual harassment and its underlying causes, such as gender stereotypes; (ii) the specific cases in which failure to comply with the LOPCYMAT is observed and the specific assistance measures adopted and warnings issued; and (iii) the number of cases of sexual harassment, and the action taken to deal with them, the sanctions imposed and the remedies granted.***

Article 1(1)(b). Discrimination on the basis of HIV status. The Committee notes the Government's indications on the legislation that is applicable to cases of discrimination on grounds of HIV status, and that the INSASEL has the competence to deal with such cases, including cases of failure to comply with

the prohibition on requiring HIV tests or carrying them out without consent. ***The Committee requests the Government to provide information on any cases that are identified of discrimination on the basis of HIV status, real or perceived, or which have been brought to the competent authorities, whether in relation to mandatory HIV testing or discriminatory behaviour of any other type.***

Articles 2 and 3(f). National equality policies. The Committee notes the Government's indication, in response to its previous comments, that: (1) the National Plan *(Plan de la Patria)* 2019–2025 has had positive results on the well-being of the population; (2) the "Great Venezuela Women Mission" was launched in 2023 and includes, among its action areas, measures on education (the Educate Yourself Woman *(Edúcate Mujer)* programme in the National Socialist Training and Education Institute), on women's economic independence (the *CrediMujer* Plan for Economic and Financial Support for Women) and on the eradication of violence and participation of women in society; and (3) the Hugo Chávez Great Equality and Social Justice Mission was launched in 2024, within the framework of the *Plan de la Patria* and the seven focus areas for transformation, the primary objectives of which include organization for equality and social justice. In this regard, the Committee recalls that it is essential to follow up on the plans and policies implemented, and that the collection of accurate and detailed data is crucial as it enables the evaluation of the effectiveness of the measures adopted and, at the same time, the development of future policy measures in light of evidence-based information (see the 2023 General Survey on achieving gender equality at work, paragraphs 304 and 868). ***The Committee requests the Government to provide specific information on: (i) the action and measures adopted for the application of the principle of equality and non-discrimination in employment and occupation, as recognized by the Convention; and (ii) the results achieved with such measures (for example, information, disaggregated by sex and other criteria, on the number of beneficiaries of credit and training and placement programmes, and on trends in employment rates and terms and conditions of employment).***

[The Government is asked to reply in full to the present comments in 2025.]

Viet Nam

Equal Remuneration Convention, 1951 (No. 100) (ratification: 1997)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 1–4 of the Convention. Assessing and addressing the gender wage gap. Previously, the Committee requested the Government to indicate how the measures adopted under the National Strategy on Gender Equality (2011–20) have an impact on reducing the persistent gender wage gap and to provide specific information on any measures taken or envisaged to address the underlying causes. The Committee also requested the Government to collect and provide more specific statistical data, disaggregated by sex, on the distribution of men and women in different sectors of economic activity, occupational categories and positions and their corresponding earnings in both the private and public sectors. The Committee notes the information provided by the Government in its report on the measures adopted under the National Strategy on Gender Equality (2011–20), including: the promulgation of legal texts containing provisions on gender equality; the implementation of a ratio of male/female employment which has facilitated a relatively balanced gender distribution in the labour force with 52.7 per cent of men and 47.3 per cent of women, according to data from the 2019 Population and Housing Census; and support for woman-owned enterprises or business start-ups. In this regard, the Committee notes that, based on the information on business registration contained in the National Database of Business Registration, as of October 2019, there were 285,689 enterprises owned by women, accounting for 24 per cent of the total number of enterprises in the country. The highest number of enterprises owned by women is found in the field of trade and services (75 per cent), followed by construction (12 per cent), industry (7 per cent) and agriculture/forestry/fisheries (7 per cent). The Government also refers to the measures adopted to promote greater access of women to vocational training, including the scheme on "Support for women in vocational training and employment", which includes the provision of tuition fees and loans to promote self-employment. The Government further

reports that in the period 2011–20, women accounted for 52 per cent of customer loans and for 54 per cent of total lending by the Bank for Social Policies.

Concerning the gender wage gap, the Committee notes the Government's indication that the gap has tended to widen. In 2019, the average monthly salary of male salaried workers was VND6,183 million/month, compared to VND5,446 million/month for women. The Government indicates that the gender wage gap is related to the average number of working hours of men and women. According to the 2018 Labour and Employment Survey report of the General Statistics Office, about 42.7 per cent of workers work 40–48 hours/week and the proportion of men working more than 48 hours/week is higher (38.4 per cent) than women (31.8 per cent). The Government also indicates that in almost all sectors of the economy the average monthly salary of women is lower than that of men. However, in various occupations with a high proportion of women who have technical qualifications similar to men, notably office assistance and sales, there is almost no gender wage gap. ***Noting the above information, the Committee invites the Government to step up its efforts to address the underlying causes of the persistent gender wage gap, including measures aimed at promoting women's access to a greater range of training opportunities and jobs and to higher level positions, as well as measures to encourage men and women to share career and family responsibilities more equally. The Committee also requests the Government to provide statistical information, disaggregated by sex, on the distribution of men and women in different sectors of economic activity, occupational categories and positions, and their corresponding earnings in both the private and public sectors.***

The Committee is raising other points in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratification: 1997)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1(1) of the Convention. Grounds of discrimination. Legislative developments. The Committee notes the adoption of the new Labour Code of 2019 (Law No. 45/2019/QH14) that entered into force on 1 January 2021. It welcomes section 3(8) of the 2019 Labour Code which extends further the list of prohibited grounds of discrimination that were included in the 2012 Labour Code by adding five additional grounds, namely "national origin", "age", "pregnancy status", "politics", and "family responsibilities". It notes with ***interest*** that the ground of "social class" has been replaced by "social origin", to bring the text in line with the Convention. ***The Committee asks the Government to confirm its understanding that the grounds of "politics" and "national origin" correspond to the grounds of "political opinion" and "national extraction" laid down in the Convention. It also asks the Government to provide information on the application in practice of section 8(1) of the Labour Code, including information on any violation detected by the labour inspectors or addressed by courts, the sanctions imposed and the remedies granted. The Committee also asks the Government to provide information on any awareness-raising activities about these provisions undertaken for workers, employers and their respective organizations, as well as public enforcement officials.***

Article 1(1)(a). Discrimination based on religion. The Committee notes that, in its report, the Government provides information on the adoption of the Law on Belief and Religion of 2016 that has replaced Ordinance No. 21/2004/PL-UBTVQH11. The Committee notes that section 5 of the Law prohibits, among other things, discrimination and stigmatization of people for their beliefs or religion. The Government states that at present 43 organizations belonging to 16 religions have been recognized by the State and have been granted registration to carry out their religious activities. The Committee notes that the United Nations Human Rights Committee (CCPR) expressed the following concerns: (1) that the Law on Belief and Religion unduly restricts the freedom of religion and belief, such as through the mandatory registration and recognition process for religious organizations and restrictions on religious activities based on vague and broadly interpreted legal provisions related to national security and social unity; and (2) that members of religious communities and their leaders, predominantly unregistered or unrecognized religious groups, ethnic minorities or indigenous peoples, face various forms of surveillance, harassment, intimidation, and property seizure or destruction, and are forced to renounce their faith, pressured to join a competing sect, and subject to physical assaults,

which sometimes leads to death (CCPR/C/VNM/CO/3, 29 August 2019, paragraph 43). ***In light of the above, the Committee asks the Government to provide information on the implementation of the Law on Belief and Religion of 2016, in particular on any cases dealt with by the labour inspectorates or the courts regarding religious discrimination alleged by individuals with unrecognized religious beliefs, as well as their outcome.***

Discrimination based on sex. Sexual harassment. In reply to its previous request on the application of the 2012 Labour Code provisions on sexual harassment, the Committee welcomes the fact that the 2019 Labour Code includes a definition of sexual harassment, which did not appear in the previous Code, and that: (1) according to section 3(9) of the Code, "sexual harassment at a workplace is any behaviour of a sexual nature by any person towards another person at a workplace that is not wanted or accepted by the latter person"; (2) section 3(9) clarifies that a workplace is any place where a worker undertakes work as agreed with or assigned by the employer; (3) section 6(2)(d) provides that employers shall develop and implement solutions to prevent sexual harassment at the workplace; (4) section 5(1)(a) recognizes workers' right to be free from sexual harassment at the workplace; (5) section 118 establishes that employers must issue internal work regulations which shall include "prevention and control of sexual harassment at the workplace" and "Steps and procedures for handling sexual harassment at the workplace"; (6) section 125 provides that dismissal, as a disciplinary measure, may be applied by an employer in the case of a worker who commits sexual harassment at the workplace as defined in the internal work regulations; and (7) section 135 provides that the State shall implement measures to prevent sexual harassment at the workplace.

The Committee notes with ***interest*** that section 84 of Decree No. 145/2020/ND-CP of 2020, which supplements the Labour Code, further clarifying the definition provided in the Labour Code by indicating that sexual harassment "may occur in the form of a request, demand, suggestion, threat, [or] use of force to have sex in exchange for any work-related interests; or any sexual act that thus creates an insecure and uncomfortable work environment and affects the mental, physical health, performance and life of the harassed person". The same section specifies that sexual harassment may include: actions, gestures, or physical contact with the body of a sexual or suggestive nature; sexual or suggestive comments or conversations in person, by phone or through electronic media; body language; and display, description of sex or sexual activities whether directly or through electronic media. Furthermore, section 84 of the Decree specifies that "workplace" under section 3(9) of the 2019 Labour Code means "any location where the employee works in reality as agreed or assigned by the employer, including the work-related locations or spaces such as social activities, conferences, training sessions, business trips, meals, phone conversations, communications through electronic media, shuttles provided by the employer and other locations specified by the employer".

Concerning the application of the Code of Conduct on Sexual Harassment in the Workplace of 2015, the Committee notes the information provided by the Government concerning awareness-raising and capacity-building activities for labour inspectors. The Government observes that despite the increased awareness among different actors about the phenomenon and the applicable rules, few cases of sexual harassment at work are detected and addressed. According to the Government, this is partially due to the lack of understanding or the hesitation of the victims. However, in the Government's view the main reason for the few cases detected and handled resides in the lack of specific and clear regulations on sexual harassment in the workplace and effective complaints procedures within enterprises, agencies and organizations. In order to address this weakness, the Decree No. 145/2020/ND-CP of 2020 provides guidance on the application of the relevant provisions of the 2019 Labour Code and the Ministry of Labour, Invalids and Social Affairs is planning to revise the 2015 Code of Conduct on Sexual Harassment in the Workplace. ***Welcoming all these developments, the Committee asks the Government to provide information on the application of the relevant provisions of the Labour Code and the Decree No. 145/2020/ND-CP, including examples of measures adopted to prevent sexual harassment pursuant to section 135 of the Labour Code and examples of internal regulations setting out measures and procedures to prevent and address cases of sexual harassment at work. The Committee also asks the Government to provide information on any cases of sexual harassment addressed by the labour inspectors and the judiciary, as well as disciplinary measures, including dismissal, applied by employers pursuant to the 2019 Labour Code. The Committee also requests the Government to provide information on the revision of the 2015 Code of Conduct on Sexual Harassment in the Workplace and its outcome.***

Article 5. Restrictions on women's employment. In its previous observation, the Committee requested the Government to provide information on the application of section 160 of the Labour Code of 2012, which prohibits the employment of female workers on work that is harmful to parenting functions, including a list of occupations prohibited under section 160(2) and (3), in addition to the occupations designated in Circular No. 26/2013/TT BLDTBXH of 2013. The Committee also requested the Government to take measures to ensure that future revisions of the above Circular limit its restrictions to women who are pregnant or breastfeeding. The Committee notes with ***interest*** that, with the adoption of the 2019 Labour Code, the norms that established a ban on women's employment in those cases considered harmful to parenting functions have been removed. In this respect, the Committee notes that section 142(1) of the 2019 Labour Code, concerning "occupations and work adversely affecting reproductive and child-nursing functions" provides that the Ministry of Labour, Invalids and Social Affairs shall issue a list of the occupations and works falling under this heading. Section 142(2) provides that the employer has a duty to provide adequate information to all workers about the dangers, risks and requirements of jobs, and to ensure statutory occupational safety and health for workers when requesting them to perform any work included in the list issued by the Ministry of Labour, Invalids and Social Affairs. At the same time, the Government indicates that the new Labour code places an emphasis on women's "choice" by establishing, for example, at section 137(2) that "a female worker who performs heavy, hazardous or harmful work or extremely heavy, hazardous or harmful work, or work that adversely affects reproductive and child-rearing functions, when pregnant and having informed the employer, is entitled to be transferred to lighter and safer work by the employer or to have her daily working time reduced by one hour without any reduction in her wages, rights and interests during the period while she is caring for a child less than 12 months old". Likewise, section 137(1) leaves to the woman the choice to perform night work or overtime work or to go on long-distance work trips. ***Welcoming these changes, the Committee asks the Government to provide information on the application in practice of both sections 137 and 142 of the 2019 Labour Code, and in particular, regarding: (i) whether the reduction of daily working time provided for in section 137(2) applies to pregnant women; and (ii) whether any awareness-raising activities have been foreseen or undertaken for workers and employers, and their respective organizations, as well as public enforcement officials, regarding these two provisions. The Committee also asks the Government to provide a copy of the list of occupations and work adversely affecting reproductive and child-nursing functions issued by the Ministry of Labour, Invalids and Social Affairs under section 142(1) of the 2019 Labour Code.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 100** *Albania, Antigua and Barbuda, Burundi, Chad, Comoros, Czechia, Ethiopia, Gabon, Gambia, Germany, Greece, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Libya, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Montenegro, Morocco, Mozambique, Namibia, New Zealand, New Zealand (Tokelau), Niger, North Macedonia, Peru, Republic of Moldova, Romania, Saint Lucia, San Marino, Sao Tome and Principe, Saudi Arabia, Singapore, Slovakia, Slovenia, South Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Turkmenistan, Uganda, Ukraine, Venezuela (Bolivarian Republic of), Viet Nam, Yemen;* **Convention No. 111** *Albania, Antigua and Barbuda, Burundi, Chad, Comoros, Czechia, Ethiopia, Gabon, Gambia, Germany, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Libya, Lithuania, Luxembourg, Madagascar, Maldives, Mali, Mauritania, Montenegro, Morocco, Mozambique, Namibia, New Zealand, New Zealand (Tokelau), Niger, North Macedonia, Papua New Guinea, Peru, Republic of Moldova, Romania, Saint Lucia, San Marino, Sao Tome and Principe, Saudi Arabia, Slovakia, Slovenia, South Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Turkmenistan, Uganda, Ukraine, Uruguay, Viet Nam, Yemen;* **Convention No. 156** *Lithuania, Montenegro, North Macedonia, Ukraine, Uruguay, Venezuela (Bolivarian Republic of), Yemen;* **Convention No. 190** *Argentina, Greece, Italy, Mauritius, South Africa.*

Tripartite consultation

Antigua and Barbuda

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 2002)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 5(1) of the Convention. Effective tripartite consultations. The Government indicates in its report that the National Labour Board is currently engaged in the revision of the Labour Code. The Committee notes that the Government envisages establishing a subcommittee composed of members of the National Labour Board, along with representatives of workers and employers, to review international labour standards, engage the public in consultations when necessary and to make recommendations to the Minister on actions to be taken. The Committee notes, however, that once again the Government's report does not contain information with regard to tripartite consultations on the matters related to international labour standards covered by *Article 5(1)*of the Convention. ***Recalling its comments since 2008 concerning the activities of the National Labour Board, and noting that section B7 of the Labour Code, which establishes the Board's procedures, does not include the matters set out in Article 5(1) of the Convention, the Committee once again requests the Government to provide detailed information on the activities of the National Labour Board on matters related to international labour standards covered by the Convention. It further requests the Government to identify the body or bodies mandated to carry out the tripartite consultations required to give effect to the Convention. The Committee reiterates its request that the Government provide precise and detailed information on the content and outcome of the tripartite consultations held on all matters concerning international labour standards covered by Article 5(1)(a)–(e) of the Convention, especially those relating to the questionnaires on Conference agenda items (Article 5(1)(a)); reports to be presented on the application of ratified Conventions (Article 5(1)(d)); and proposals for the denunciation of ratified Conventions (Article 5(1)(e)).***

Article 5(1)(b). Submission to Parliament. The Government reiterates information provided in April 2014, indicating that the 20 instruments adopted by the Conference from its 83rd to its 101st Sessions (1996–2012) were resubmitted to Parliament on 11 March 2014. It adds that a request would be made to the Minister by 15 November 2017 via the Labour Commissioner and Permanent Secretary concerning submission of the instruments to Parliament. ***The Committee refers to its longstanding observations on the obligation to submit and once again requests the Government to indicate whether effective consultations leading to conclusions or modifications were held with respect to the proposals made to the Parliament of Antigua and Barbuda in connection with the submission of the above-mentioned instruments, including information regarding the date(s) on which the instruments were submitted to Parliament. In addition, the Committee requests the Government to provide information on the content, agenda, discussions and resolutions and on the outcome of the tripartite consultations held in relation to the submission of instruments adopted by the Conference as of 2014: the Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), adopted by the Conference at its 103rd Session, as well as the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), adopted by the Conference at its 104th Session.***

Article 5(1)(c). Examination of unratified Conventions and Recommendations. The Government reports that the unratified conventions noted in its report were submitted to the National Labour Board on 11 November 2017 for re-examination with the ***social*** partners. ***The Committee requests the Government to provide updated information on the outcome of the re-examination of unratified Conventions, in particular: (i) the Labour Inspection (Agriculture) Convention, 1969 (No. 129), which is deemed a governance Convention; (ii) the Holidays with Pay Convention (Revised), 1970 (No. 132), (which revises the Weekly Rest (Industry) Convention, 1921 (No. 14); the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), to***

which Antigua and Barbuda is a State party); and (iii) the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), (which revises the Seafarers' Identity Documents Convention, 1958 (No. 108), that has also been ratified by Antigua and Barbuda).

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Bangladesh

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1979)

Previous comment

Articles 2, 3 and 5 of the Convention. Tripartite consultations required by the Convention. The Committee notes, with ***interest***, that further to tripartite consultations held within the Tripartite Consultative Council (TCC), the Government ratified the Minimum Age Convention, 1973 (No. 138), in March 2022. In addition, the Committee notes the Government's intention to discuss within the TCC "important unratified Conventions" as well as ILO instruments relevant to the occupational safety and health (OSH) framework. The Government also reports that a workshop was conducted on 21 May 2023, and a tripartite consultation held on 21 August 2023, to discuss and finalize reports on the application of ratified ILO Conventions. The Government also highlights that the effectiveness of the TCC was assessed and that an action plan was developed in that regard. The Committee notes the Government's indication that, in addition to the TCC, a new 19-member Tripartite Implementation and Monitoring Committee (TIMC) was established by a circular of 11 August 2021. The Government has not provided a copy of said circular and does not provide information on the mandate of the new TIMC and its tripartite composition. The Committee notes in that regard that, in its 2022 comment on the implementation by Bangladesh of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), it noted from the Government's report on progress made on the implementation of the road map of actions to address outstanding issues in the complaint pending under article 26 of the ILO Constitution concerning the Labour Inspection Convention, 1947 (No. 81), Convention No. 87, and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that the TIMC's responsibilities include the following: (1) to monitor the progress of implementation of the time-bound actions contained in the road map; and (2) to provide overall directions for the implementation of the road map. The Government further reports that the TIMC has held six meetings (on 5 and 26 September 2021, 2 February and 24 August 2022, 16 April and 10 August 2023) discussing "international labour standard issues and ILO conference agenda items". However, the Government does not provide information on the specific content and outcome of these meetings. The Committee further notes the Government's indication that a Tripartite Working Group and a Tripartite Law Review Committee have been established and charged with discussing labour law amendments to align them with international labour standards, as suggested by the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152) (Paragraph 5(c)). ***Noting the creation of a Tripartite Implementation and Monitoring Committee (TIMC), the Committee requests the Government to provide a copy of the 2021 circular establishing said TIMC, and to provide detailed information on its mandate, constitution and composition, including a description of how the organizations of employers and workers choose their representatives and the number of representatives from each group in the TIMC. Recalling that, in accordance with Article 5(2) of the Convention, the tripartite consultations required by the Convention must be undertaken at appropriate intervals, fixed by agreement with the workers' and employers' representatives, but at least once a year, the Committee also requests the Government to continue to provide information on the date of each tripartite consultation held on the matters referred to in Article 5(1)(a)–(e) of the Convention. The Committee also reiterates its request for further detailed information on the specific content and outcome of each tripartite consultation***

held on matters covered by Article 5(1)(a)–(e) of the Convention, including consultations on the re-examination of the ratification of the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and the Employment Policy Convention, 1964 (No. 122), which are deemed governance Conventions; of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), whose ratification would result in the immediate denunciation of the Indigenous and Tribal Populations Convention, 1957 (No. 107); and of ILO instruments relevant to the occupational safety and health (OSH) framework. In addition, the Government is requested to indicate if minutes of the tripartite consultations held on matters covered by Article 5(1)(a)–(e) are established and, if so, to the provide copies of them.

The Committee is raising other matters in a request addressed directly to the Government.

Belarus

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1993)

Previous comment

The Committee notes the observations of the Belarusian Congress of Democratic Trade Unions (BKDP), received on 30 August 2019, 31 August 2023 and 31 August 2024. ***The Committee requests the Government to provide its comments in this regard.***

Articles 1, 2 and 3(1) of the Convention. Adequate procedures. Election of representatives of employers' and workers' organizations. The Committee observes that the BKDP considers that the Government does not fulfil its obligations under the Convention. The BKDP argues that because of the legal impossibility of conducting activities in the country by independent trade unions, workers' organizations cannot enjoy their right to freely elect their representatives for the purposes of the procedures to ensure tripartite consultations, as required by *Article 3* of the Convention, and denounces the unlawful forced liquidation of all Belarusian independent trade unions, including the BKDP and its affiliates. The BKDP further alleges that the Tripartite Council for the Improvement of Legislation in the Social and Labour Sphere (the tripartite Council) and the National Council on Labour and Social Issues (NCLSI) do not ensure the holding of effective tripartite consultations, as the pro-governmental Federation of Trade Unions of Belarus (FPB) and its affiliates are the only organizations authorized by the national legislation to act as Workers' representatives in such bodies. The BKDP claims that the FPB is not a representative organization within the meaning of *Article 1* of the Convention. The BKDP adds that it is the Government that unilaterally decides to appoint the Workers' representatives as participants in social dialogue, limiting the possibility of other workers affiliated with independent trade unions to participate in tripartite consultations. The BKDP therefore considers that all activities allegedly implemented by Belarus under the Convention do not comply with the criteria established in its provisions. In addition, the BKDP points out that there is no sufficient publicly available information on the content and the outcome of the work carried out by the tripartite Council and the NCLSI. The BKDP indicates that, according to the information on the agenda of the NCLSI meetings held between 2022 and 2024 – available on the website of the Ministry of Labour and Social Protection (MLSP) – none of the international labour standards related to matters listed in the Convention were discussed and no official minutes or information about the decisions adopted during such meetings were available. Regarding the meetings held during the reporting period in the tripartite Council, the BKDP stresses that there is only information available on the website of the MLSP about two meetings held on 26 May and 22 September 2023, where ILO related matters were discussed, including the implementation of the present Convention.

In this context, the Committee refers to its 2023 observation regarding the implementation of Convention No. 87, where it recalled its previous comments deploring the effect of the dissolution of the BKDP on the work of the NCLSI and the tripartite Council and questioning their legitimacy. In this regard, the Committee noted with deep concern the absence of any measures taken to review the situation of the dissolved trade unions so as to ensure that they may again function and fully participate in national tripartite bodies. The Committee also refers to the Follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus (GB.352/INS/10(Rev.1)), where the Governing Body took note of the report of the Special Rapporteur on the situation of human rights in Belarus of 9 May 2024, which revealed a targeted eradication of all independent associations in Belarus since 2021. In this report's conclusions and recommendations, the Special Rapporteur acknowledged the lack of independence of the FPB and recommended suspending its participation in the International Labour Conference. In this regard, the Committee notes the decision adopted by the Governing Body at its 352nd Session (28 October–7 November 2024), requesting the Director-General to bring to the attention of the Credentials Committee of the International Labour Conference at the 113th Session (2025), the information provided in document GB.352/INS/10(Rev.1) and the discussion in the Governing Body, so that it might take it into account in its monitoring of the nomination of the Workers' delegation of Belarus as decided by the Conference at its 112th Session (2024) and in the examination of any new objection concerning the subject.

In light of the above, the Committee recalls that "[a]ccording to Article 3, paragraph 1, of the Convention, the representatives of employers and workers who participate in the consultation procedures must be freely chosen by their respective 'representative organisations', that is, in accordance with the definition given in *Article 1*, by the 'most representative organisations of employers and workers enjoying the right of freedom of association'". The Committee further recalls that it is " … important that employers' and workers' organizations should enjoy freedom of association, without which there could be no effective system of tripartite consultation …, since employers and workers had to be able to state their views independently" (2000 General Survey on tripartite consultation, paragraphs 32 and 39). ***Referring to its 2023 observation under Convention No. 87 and in light of the fact that effective tripartite consultations cannot be expected to take place within the tripartite bodies if one of the parties is not truly independent and hence not representative in the sense of Article 1 of the Convention, the Committee strongly urges the Government to take the necessary measures to review the situation of the dissolved trade unions so as to ensure that they may again function and fully participate in national tripartite bodies, including the NCLSI and the tripartite Council, and to provide information on the concrete steps taken to that end.***

Article 5(1). Effective tripartite consultations. The Committee notes that the Government indicates that, between 2020 and 2022, tripartite consultations were carried out through written communications with the FPB and the Confederation of Industrialists and Entrepreneurs due to the COVID-19 pandemic, and in 2023, the tripartite Council resumed face-to-face work. The Committee further notes the Government's indication that, following tripartite consultations between 2017 and 2019 within the tripartite Council and the NCLSI, the Holidays with Pay Convention (Revised), 1970 (No. 132) and the Safety and Health in Mines Convention, 1995 (No. 176) were ratified on 13 February 2020. The Government adds that tripartite consultations were also held with regard to the reports on the application of ratified Conventions and reports on unratified Conventions sent to the ILO between 2019 and 2023. The Committee observes, however, that the Government does not provide information regarding tripartite consultations held on all the matters related to international labour standards listed by *Article 5(1)* of the Convention, including government replies to questionnaires concerning items on the agenda of the International Labour Conference *(Article 5(1)(a))*; and the submission of instruments adopted by the Conference to the National Assembly *(Article 5(1)(b))*. ***Trusting that the Government will make every effort to ensure inclusive participation in the relevant tripartite bodies in the future, the***

Committee once again requests the Government to provide detailed information on the content and the outcome of tripartite consultations held on each of the matters related to international labour standards covered by Article 5(1) of the Convention.

[The Government is asked to reply in full to the present comments in 2025.]

Botswana

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1997)

Previous comment

The Committee notes the observations from the Botswana Federation of Trade Unions (BFTU), transmitted by the Government in its report. ***The Government is requested to provide its comments in this regard.***

Articles 2, 3 and 5(1) of the Convention. Effective tripartite consultations. Freedom of choice of workers' and employers' representatives. The Government indicates that social dialogue is carried out through several tripartite and tripartite plus bodies. It indicates that the last tripartite consultations were held within: (i) the High Level Consultative Committee (Sub-HLCC) in March 2023; (ii) the Decent Work Steering Committee in April 2023; and (iii) the Labour Law Review Committee in August 2023; (vi) the Minimum Wages Advisory Board (MWAB) in August 2023; and (v) the Labour Advisory Board (LAB) in May 2021. The report states that tripartite consultations were held within the LAB on the possible ratifications of the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). In this respect, the Committee notes with ***interest*** that, following these tripartite consultations, the Government ratified both Conventions on 22 December 2022. The Government also reports that the LAB had previously considered draft proposals for aligning the labour laws with international labour standards, which were scheduled to be submitted to Parliament in November 2023. Finally, while reiterating that, pursuant to section 143 of the Employment Act, meetings of the LAB need to be held quarterly, the Government points out that, since 2021, the LAB was not in a position to hold tripartite consultations due to several membership expirations. It also adds that the MWAB was not convened in 2022. The Government indicates in this regard that the process for appointing new members to these bodies was initially delayed by the social partners' reluctance to comply with the new requirements, but was under way at the time of reporting.

As to the observations of the BFTU in relation to the LAB, the Committee notes that it raised concerns in November 2022 (BFTU/admin/c-2022/475) and on 6 December 2022 with the Minister of Labour and Home Affairs on: (i) the Government's reluctance or delay in ratifying and domesticating ILO Conventions, in particular, the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the Violence and Harassment Convention, 2019 (No. 190); and (ii) the inactivity or non-functionality of the LAB and other tripartite structures, and their effect on social dialogue. The BFTU furthermore criticizes the Government's communication concerning gender representation on the LAB (MLHA 4/2/2 II (8)), which stresses the gender disparity in the BFTU's nominees for the LAB, requesting the BFTU to resubmit nominees for possible consideration. The BFTU indicates that it does not object to the principle of gender parity, but the fact that the communication suggests that the Government is entitled to consider the BFTU's nominees for the LAB. Finally, as regards consultations on reports on ratified Conventions, the BFTU disagrees with the information provided by the Government that the reports submitted to the ILO in 2019 and 2020 were shared with social partners and that no comments were provided by the latter. The BFTU points out that social partners were not consulted on the 2021 reports and confirms that it has not responded to the 2022 reports. Regarding the latter, the Committee notes the BFTU's

indication that, in most instances, the Government shares its reports with a delay and limits the response period to a few days.

Taking note of the suspension of the work of the LAB since 2021, the Committee wishes to draw the Government's attention to the fact that, in accordance with *Article 5(2)* of the Convention, tripartite consultations on the issues listed by the Convention must be undertaken at appropriate intervals fixed by agreement with the workers' and employers' representatives, but at least once a year. The Committee also wishes to recall that, pursuant to *Article 3*, the representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organizations, where such organizations exist. The Committee also recalls that, to be "effective", the consultations must necessarily take place before final decisions are taken, irrespective of the nature or form of the procedures adopted. The effectiveness of consultations thus presupposes in practice that employers' and workers' representatives have all the necessary information far enough in advance to formulate their own opinion (see 2000 General Survey on tripartite consultation, paragraph 31). ***In view of the above, the Committee expresses the hope that the national procedures aimed at ensuring effective tripartite consultations on the matters required by the Convention will be made operational in the near future and asks the Government to indicate progress made in this respect. The Committee also requests the Government to indicate whether the new requirements for nominations as part of the LAB were determined after consultation with the most representative organizations of employers and workers and how they give effect to the principle established by the Convention that employers' and workers' representatives shall be freely chosen by their representative organizations. Furthermore, noting that the Government has not provided the specific information requested on the consultations held on all the items listed under Article 5 of the Convention, the Committee once again requests the Government to provide detailed information on the content, frequency and outcome of the tripartite consultations held by the relevant bodies, in particular, the LAB.***

Central African Republic

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 2006)

Previous comment

Articles 1 and 2 of the Convention. Representative organizations. Consultation procedures. Since 2009, the Committee has been requesting the Government to provide information on the implementation of procedures to ensure effective tripartite consultations, including through the announced establishment of a national tripartite commission on international labour standards. In its previous comment, the Committee also requested the Government to indicate the criteria established for determining representativeness. The Government indicates that the criteria for trade union representativeness are set out in sections 53 to 55 of Act No. 09.004 of 29 January 2009 on the Labour Code. The Committee notes that, pursuant to section 53 of the Labour Code, a trade union organization that has a "sufficient following" is considered representative. According to section 54 of the Labour Code, the following of a workers' trade union is considered sufficient within an enterprise when, during the election of staff delegates, the trade union obtains at least 30 per cent of the votes, representing at least 15 per cent of registered voters. In a broader context, a workers' trade union is considered to have a sufficient following when it is representative in one or several enterprises employing together at least 15 per cent of the employees in the sector of activity of the trade union and the geographical region that it covers. Section 55 of the Labour Code provides that the following of an employers' organization is considered sufficient when the organization represents either 30 per cent of enterprises in its sector of activity or the geographical region covered, or of enterprises employing together at least 25 per cent of employees working in its sector of activity or the geographical region covered. The Government indicates that the

number of trade unions in the Central African Republic is constantly increasing and that divisions within the organizations make it difficult to determine the most representative trade unions. The Government adds that it requested technical assistance from the Office to carry out a "diagnostic" study, which has been submitted and is due to be validated at a tripartite workshop. The Government expects that the validation of the study will lead to the election of representatives to join the future national tripartite commission. In this regard, the Committee refers to its 2000 General Survey on tripartite consultation (paragraph 34), in which it indicates that, if in a particular country, there are two or more organizations of employers or workers which represent a significant body of opinion, even though one of them may be larger than the others, they may all be considered to be "most representative organizations" for the purpose of the Convention. In this case, the Government should endeavour to secure an agreement of all the organizations concerned in establishing the consultative procedures provided for by the Convention, but if this is not possible, it is in the last resort for the Government to decide, in good faith in the light of the national circumstances, which organizations are to be considered as the most representative. ***Recalling its comments since 2009, the Committee urges the Government to make all necessary efforts, in cooperation with the social partners, to implement procedures to ensure effective tripartite consultations on international labour standards. In this regard, the Committee requests the Government to indicate any progress made in the tripartite validation of the above-mentioned diagnostic study carried out with the technical assistance of the Office. The Committee once again reiterates its request to the Government to send a copy of any draft or final text of a ministerial order establishing a tripartite national commission on international labour standards. The Committee also requests the Government to provide information on the process and outcome of any election of representatives of the social partners to join the aforementioned national tripartite commission. Lastly, the Committee notes the information on the tripartite steering committee and, in the absence of information in this regard, reiterates its request for the Government to clarify whether the Economic and Social Council is a tripartite body, and if it is, to provide information on its composition and functions.***

Article 5. Effective tripartite consultations. The Committee notes that the Government's report does not contain information on the tripartite consultations held during the period covered by the report on the matters set out in *Article 5(1)* of the Convention. The Committee reminds the Government that, in accordance with *Article 5(2)* of the Convention, tripartite consultation on these matters shall be undertaken at appropriate intervals fixed by agreement with the workers' and employers' representatives, but at least once a year. ***Pending the establishment of a national tripartite commission, the Committee urges the Government to ensure that periodic tripartite consultations are held on all the matters set out in Article 5(1) of the Convention, and to provide detailed information on the frequency, content and outcome of those consultations.***

COVID-19 pandemic. The Committee notes the information provided in reply to its previous comment.

Chad

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1998)

Previous comment

Articles 2 and 5 of the Convention. Effective tripartite consultations. Technical assistance. For many years, the Committee has been requesting the Government to provide information on the progress made following the assistance provided by the ILO on matters related to tripartite consultations and social dialogue. In this regard, the Committee notes with ***regret*** that the Government merely indicates that meetings of the consultative bodies take place whenever necessary, while indicating that, in

practice, the Higher Committee for Labour and Social Security (HCTSS) has not met due to the unavailability of its members. However, the Government indicates that the activities of the Higher Committee will resume following the adoption of the decree appointing its members in October 2023. ***In light of the above, the Committee urges the Government to provide, without delay, detailed information on the manner in which the tripartite consultations required by the Convention have been held, indicating in particular their frequency, content and outcome and whether they have covered all of the matters relating to international labour standards covered by Article 5(1) of the Convention.***

Article 4(2). Training. The Government indicates, in reply to the Committee's previous comment on arrangements for the financing of any necessary training of participants in consultation procedures, that any necessary training is jointly financed by the Government and employers. ***Noting the Government's indication that the activities of the HCTSS should resume shortly, following the appointment of its members, the Committee requests the Government to indicate whether any training has been planned to ensure that participants in the consultative procedures, in particular newly appointed members, are fully instructed in the procedures relating to the application of the Convention.***

China

Hong Kong Special Administrative Region

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (notification: 1997)

Previous comment

Articles 2(1) and 3(1) of the Convention. Effective tripartite consultations. Election of representatives of the social partners. The Committee recalls that for many years it has been requesting the Government and the social partners to promote and strengthen tripartism and social dialogue in order to facilitate the operation of the procedures governing effective tripartite consultations, including ensuring the meaningful participation of the (now dissolved) Hong Kong Confederation of Trade Unions (HKCTU) in the consultation process, and to provide information on all measures taken or envisaged In this regard. Since 2016, the Committee has been reiterating its concern about a risk that the HKCTU may have been excluded from meaningfully participating in the consultative process in the Labour Advisory Board (LAB) as part of the most representative organizations of workers due to the electoral system in place in the country, which requires voting for a slate of labour organization candidates. In this regard, the Committee recalls once again the concerns which had been expressed repeatedly by the HKCTU in its observations since 2016, considering the LAB electoral system to be unjust and to prevent it from being elected to the LAB despite being the second largest trade union confederation. For several years, the HKCTU had thus been pointing to the fact that the LAB is comprised of six workers' representatives, five of whom are elected by registered trade unions, with a sixth representative appointed ad personam by the Government. The HKCTU had explained that, pursuant to the electoral system, votes were equally weighted regardless of the size of trade union membership according to the principle of "one union, one vote" and that voters can vote for a slate of five candidates, as a block, in one ballot – with the slate of five candidates which received more than half of the votes winning all five seats.

The Committee notes with ***regret*** that the Government once again limits itself to providing substantively similar information to that shared already for several years – reiterating its commitment to ensure effective tripartite consultations through the LAB and the information provided since 2016 concerning the functioning of the electoral system in place. The Government also once again indicates that all workers' unions registered under the Trade Unions Ordinance can nominate and elect workers' representatives to the LAB, regardless of affiliation in any trade union groups. Moreover, the

Government also reiterates that all workers' unions are free to affiliate to any trade union groups or to remain unaffiliated. It indicates that, between 1 June 2019 and 31 May 2023, the number of registered trade unions increased from 852 to 1,387 and that, as of the end of 2022, approximately 70 per cent of the registered trade unions were not affiliated with any major trade union group. The Government also once again reiterates that since all registered workers' unions may freely exercise their choice in the election, no trade union group can dictate the election results, and that there are no particular trade union groups excluded from the election. The Government also reiterates its commitment to further ensure that every registered trade union enjoys the same right as other registered trade unions to nominate candidates and to vote in the election of workers' representatives of the LAB, stressing that it would be inappropriate if the system of electing workers' representatives to the LAB were to be changed for the advantage of a particular organization. Lastly, the Committee notes the Government's indication that the latest election of workers' representatives to the LAB was held in November 2022. The Government indicates that 13 nominations were received, which included two incumbent workers' representatives and that, after the trade unions cast their votes by secret ballot, the two workers' representatives and three other candidates were elected.

Against this backdrop, the Committee wishes to stress that the role of the Government should be to endeavour to secure an agreement of all the organizations concerned in establishing the tripartite procedures provided for by the Convention (2000 General Survey on tripartite consultation, paragraph 34). It once again recalls that the term "most representative organizations of employers and workers", as provided for in *Article 1* of the Convention, does indeed "not mean only the largest organization of employers and the largest organization of workers". If, in a particular country, there are two or more organizations of employers or workers which represent a significant body of opinion, even though one of them may be larger than the others, they may all be considered to be "most representative organizations" for the purpose of the Convention. The Committee also wishes to refer in this respect to its 2023 observation on the implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), where it noted with deep concern the reported continued decline of civil liberties and freedom of association, as a result of which, according to the International Trade Union Confederation (ITUC) and the International Transport Workers' Federation (ITF), the independent trade union movement in Hong Kong is non-existent. In this regard, the Committee observes that, in 2021, the HKCTU had announced that it would invoke the procedure to disband the trade union centre, following persistent stigmatization, vilification and attacks on its trade union activities and the use of security and the judiciary to intimidate and harass its members for exercising trade union rights and civil liberties (2021 observation on Convention No. 87). In this context, the Committee draws the Government's attention to *Article 1* of the present Convention, which states that representative organizations for the purposes of the Convention are those enjoying "the right of freedom of association". The Committee recalls that the reference to the "right of freedom of association" is intended to guarantee that consultations take place under conditions in which representative organizations have an opportunity to express their point of view in total freedom and independence, which can only be guaranteed through full respect for the principles embodied in Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which include the right of all workers and employers to establish and join organizations of their own choosing, the right of such organizations to manage their own internal affairs without interference by the public authorities, and the right of employers' and workers' organizations to protection from acts of interference by each other (2000 General Survey, paragraph 40). ***Bearing in mind that under Article 1, representative organizations for the purposes of the Convention are those enjoying the right of freedom of association, the Committee expresses the firm hope that the Government will make every effort, together with the social partners, to ensure the promotion of tripartism and social dialogue in order to facilitate the procedures ensuring effective tripartite consultations (Articles 1 and 2 of the Convention). As per the meaning of Article 1 of the Convention, such consultations must involve the***

most representative organizations of employers and workers in reviewing the LAB's current electoral system. In addition, the Committee urges the Government to provide detailed information on how it ensures that all representative organizations within the meaning of Article 1 of the Convention take part in the effective consultations on each of the matters listed in Article 5.

Article 5(1). Effective tripartite consultations. The Committee notes the Government's indication that the Committee on the Implementation of International Labour Standards (CIILS) of LAB was consulted on all reports on the application of ratified Conventions submitted under article 22 of the ILO Constitution and that the copies of the reports were communicated to all LAB members. The Government further indicates that tripartite consultations were held also within the CIILS concerning the application of Conventions in the country. For instance, government officials from the Labour and Welfare Bureau and the Social Welfare Department met with CIILS members with regard to the possibility of applying the Social Security (Minimum Standards) Convention, 1952 (No. 102), in the HKSAR. The Government adds that, following detailed discussions, the CIILS members agreed that it was inappropriate for Convention No. 102 to be applied to the HKSAR at this stage. The Committee notes the report of LAB for 2021–22, communicated together with the Government's report. Lastly, the Government provides information on tripartite consultations held during the report period regarding the formulation of national labour related policies (Paragraph 5(c) of Recommendation No. 157). ***The Committee requests the Government to continue to provide up-to-date information on the content and outcome of the tripartite consultations held on all matters concerning international labour standards listed in Article 5(1) of the Convention.***

Côte d'Ivoire

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification : 1987)

Previous comment

Article 5(1) of the Convention. Effective tripartite consultations. In response to the Committee's previous comments, the Government indicates that Order No. 2020-003/MEPS/CAB on the appointment of the members of the Tripartite Advisory Committee on International Labour Standards (CCTNIT) was adopted on 14 January 2020. Given that the mandate of the CCTNIT members came to term on 14 January 2023, a new order was issued on 1 August 2023: Order No. 0078/MEPS/CAB. The Committee notes that, under the terms of the Order, the CCTNIT is composed of 16 regular members and 16 deputy members. It also notes the draft agenda of the CCTNIT meeting of 17 August 2023, provided by the Government with its report. The Government indicates that to date the CCTNIT has held 12 meetings – one meeting per quarter – and has addressed all issues relating to reports on ratified and unratified Conventions. It also indicates that the CCTNIT has held discussions on the ratifications of the unratified Conventions, namely the Employment Policy Convention, 1964 (No. 122), the Safety and Health in Mines Convention, 1995 (No. 176), the Private Employment Agencies Convention, 1997 (No. 181), the Maritime Labour Convention, 2006, as amended (MLC, 2006), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190). Following this work, the above-mentioned Conventions were approved with a view to initiating the ratification process. The Committee notes with ***interest*** that the Government had requested, in the Council of Ministers, the authorization of Parliament for the ratification of Conventions Nos 122 and 176 and the MLC, 2006. The Government adds that the CCTNIT has also addressed issues in relation to three sessions of the International Labour Conference (2021, 2022 and 2023) with a view to gathering views and proposals of the social partners on the associated problems. With regard to the submission of the international labour instruments, the submission process of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), Convention No. 190, and the Violence and Harassment Recommendation, 2019 (No. 206), has been initiated and is ongoing. With regard to the instruments adopted more recently by the

Conference, including the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191), the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023 (No. 207), and the Quality Apprenticeships Recommendation, 2023 (No. 208), the Government indicates that they will be the subject of discussions at the forthcoming CCTNIT meeting. ***The Committee welcomes the developments reported by the Government and requests the Government to continue to provide specific and detailed information on the content, frequency and outcome of the tripartite consultations held on all of the matters relating to international labour standards covered by the Convention, including the government replies to questionnaires concerning items on the agenda of the Conference (Article 5(1)(a)), the proposals to be made in connection with the submission of instruments adopted by the Conference to the National Assembly (Article 5(1)(b)), the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given (Article 5(1)(c)), reports to be made on the application of ratified Conventions (Article 5(1)(d)), and proposals for the denunciation of ratified Conventions (Article 5(1)(e)).***

Djibouti

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 2005)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

In its previous comments, the Committee noted the observations of the General Union of Djibouti Workers (UGTD) and the Labour Union of Djibouti (UDT), received on 4 May 2021. Despite its request in this regard, the Committee has not received the Government's comments concerning the observations of the social partners. ***It therefore reiterates its request to the Government to provide its comments on the observations made jointly by the UGTD and UDT.***

Articles 1 and 3(1) of the Convention. Participation of representative organizations. The Government once again reiterates that two draft texts, prepared in 2013, are in the process of being adopted. The first text is a draft decree establishing the definition of the different forms of trade union organizations and the criteria for representativeness. The second text is a draft order setting out the terms for the organization of occupational national elections. The Government recalls that these texts, established in consultation with the social partners, were referred in 2014 to the National Council for Labour, Employment and Social Security (CONTESS), which did not adopt them. CONTESS subsequently assigned the examination of the drafts to a standing tripartite committee but no consensus was reached. The Government indicates that, to break this stalemate, the Department of labour, employment and social security (DLESS) met with the Office in the margins of the International Labour Conference in June 2019. Following this meeting, the Office prepared a memorandum of technical comments on the draft decree. The Office recommended that the memorandum be communicated to the workers' and employers' organizations, within the framework of the revision process of the draft decree. The Government does not provide any information in this regard but once again states that it will inform the Office as soon as possible of any developments in the adoption of the above-mentioned draft decree and draft order. In the meantime, the Government indicates that it is sending written invitations to the "recognized" occupational organizations to freely designate their representatives but does not attach to its report a copy of this invitation or provide more detailed information on its application. The Government adds that there are two workers' trade union confederations (the UGTD and UDT) and that the employers' organizations (the National Confederation of Employers of Djibouti (CNED) and the Federation of Employers of Djibouti (FED)) merged on 26 December 2015 to form a single organization, the CNED. In this regard, the Government provides the records of a CNED general meeting held on 22 December 2015, showing that the CNED was in favour of a single employers' union. The document does not refer, however, to a decision by the FED in this regard or to a merger with the FED. The Government states that it provided copies of its report to the following representative workers' and employers' organizations: the CNED, UDT and UGTD. With regard to the observations of the social partners, the Committee notes that the UGTD and UDT report Government interference in trade union affairs, as well as threats, arbitrary detention, unfair

dismissals and punitive transfers of trade unionists. Further to its previous comment, the Committee notes with ***concern*** that the objective criteria for designating the most representative organizations and the procedures guaranteeing the free choice of their representatives in tripartite bodies has yet to be determined. ***As this is a situation that has persisted for many years, despite the technical assistance of the Office, the Committee urges the Government to adopt, as soon as possible and following effective consultation with the employers' and workers' organizations, the texts establishing the objective criteria for representativeness of these organizations, as well as the procedures guaranteeing the free choice of their representatives. The Committee requests the Government to provide detailed and up-to-date information on the measures taken to this end. In addition, regarding the merger between the CNED and FED, the Committee requests the Government to provide any decisions of the FED general meeting in this respect. If not available, the Committee requests the Government to provide information on any particular issues in the country that would explain why it did not provide its latest report to the FED. With regard to the observations of the UGTD and UDT, alleging Government Interference in trade union affairs, as well as threats, arbitrary detention, unfair dismissals and punitive transfers of their representatives, the Committee refers to its comments on the application by Djibouti of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).***

Articles 2 and 5. Tripartite consultations. Frequency and effectiveness of tripartite consultations. The Government indicates that CONTESS held tripartite consultations on the following dates: 27–28 November 2017, 14 January 2019, 27–28 October 2019 and 21 September 2020. The Government does not provide the records of these meetings, even though the Committee requested a copy in its previous comments. The Government provides details of the meeting agendas, which included discussion of draft texts on labour law, the adoption of an inter-occupational collective agreement and the ratification of ILO Conventions. In this respect, the Committee notes the adoption of the Bills ratifying the Instrument for the Amendment of the Constitution of the ILO, 1986, and the Maternity Protection Convention, 2000 (No. 183). With regard to the observations of the social partners, the Committee notes that the UGTD and UDT report that there are "clones" of the representative organizations that, notably, adopted the new Labour Code in 2006. They also allege that CONTESS is a fictional council, in which only "union alibis" are involved, which support the Government's proposals. The UGTD and UDT add that CONTESS meets only rarely – once or twice every two years. They state that CONTESS "disappeared" for over ten years and "has recently been resuscitated in order to deceive the Office". ***The Committee reminds the Government that, in accordance with Article 5(2) of the Convention, tripartite consultations must be undertaken at appropriate intervals fixed by agreement with the workers' and employers' representatives, but at least once a year. The Committee requests the Government to continue to provide detailed information on the frequency, content and outcome of the tripartite consultations held on each of the matters referred to in Article 5(1) of the Convention. It also reiterates its request to the Government to send copies of the records of CONTESS meetings. If it does not appear in the records, it requests the Government to provide detailed information on the composition of CONTESS. The Committee notes, with concern, the allegations of the UGTD and UDT concerning cloning of the representative organizations and the presence of "trade union alibis" in CONTESS. The Committee requests the Government to provide detailed information on how it ensures, in accordance with Article 2(1) of the Convention, effective consultations between the representatives of the employers and workers on all the matters referred to in Article 5(1) of the Convention. In particular, the Committee requests the Government to report the measures taken to avoid any identity theft of the representative organizations and their representatives during tripartite consultations.***

Article 4. Training. The Government refers to the existence of a programme to strengthen social dialogue, as well as to several employment measures, especially for young people but does not, however, respond to the Committee's request for updated information on the financing of the necessary training of participants in consultative procedures. With respect to the social partners, the Committee notes that the UGTD and UDT noted that the Government does not organize or finance any worthwhile training and prohibited training set up with the help of outside trade unions. The UGTD and UDT also report that it was impossible to attend any training sessions organized by the Office. ***The Committee reiterates its request to the Government to provide information on the appropriate arrangements made for the financing of any necessary training of participants in consultation procedures, in accordance with the Convention.***

Technical assistance. The Committee notes the Government's request to benefit from the assistance of the Office in the implementation of its programme to strengthen social dialogue. While hoping to be able to

note progress in the area of tripartite consultation in the country shortly, the Committee confirms that the technical assistance of the Office remains available to the tripartite constituents, while underscoring that this assistance is defined by social dialogue.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Dominican Republic

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1999)

Previous comment

Articles 2 and 5 of the Convention. Effective tripartite consultations. The Committee welcomes the reactivation of the Tripartite Round Table on Matters Relating to International Labour Standards further to the approval, on 23 October 2023, of the amendment to the tripartite agreement of 1 July 2016. Article 2(3) of the new tripartite agreement provides that the Round Table will meet at least once every three months and may meet on an ad hoc basis at the formal request of each of the parties. In conformity with section 3(1), the functions of the Round Table include: analysis and discussion of compliance with ratified Conventions, with particular emphasis on fundamental and governance Conventions; reports on ratified Conventions to be sent to the ILO; analysis of the content and potential impact of unratified Conventions; prevention and settlement of any dispute linked to the application of ratified Conventions, with the aim of finding solutions and reaching agreements before referral to the Committee on Freedom of Association; and follow-up to the observations, conclusions and recommendations of the ILO supervisory bodies. The Committee also notes that section 3(3) of the new tripartite agreement provides that the parties thereto will draft and adopt the statute of the Round Table with a view to defining its operation and functioning. Lastly, the Committee notes the Government's general indication that, within the framework of the Labour Advisory Council, tripartite consultations are undertaken in order to issue statements on current issues and assist the Ministry of Labour in the determination of specific policies and programmes.

The Committee observes, however, that the Government once again does not provide information in its report on tripartite consultations relating to the issues covered by *Article 5(1)* of the Convention, with regard to: (a) government replies to questionnaires concerning items on the agenda of the International Labour Conference; (b) the submission of instruments to the National Congress; (c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations; (d) the reports on ratified Conventions to be made to the Office under article 22 of the ILO Constitution; and (e) proposals for the denunciation of ratified Conventions. ***In view of the continuing lack of information on the effective tripartite consultations on international labour standards required by the Convention, the Committee urges the Government to provide detailed and updated information on the frequency, content and outcomes of the tripartite consultations undertaken on each of the items set out in Article 5(1) of the Convention, including those undertaken within the framework of the Tripartite Round Table on Matters Relating to International Labour Standards. In this respect, the Committee reminds the Government that it may request ILO technical assistance. The Committee further requests the Government to send a copy of the statute of the Tripartite Round Table on Matters Relating to International Labour Standards, once adopted.***

Article 4. Training. The Committee notes the Government's indication that the Ministry of Labour conducts training programmes designed to provide employers and workers with training on key aspects of the Convention, as well as personalized guidance and activities to promote the importance of tripartite consultations. ***The Committee requests the Government to provide specific information on the***

training received by the representatives of the employers' and workers' organizations which participate in tripartite consultations on international labour standards.

Egypt

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1982)

Previous comment

Articles 2 and 5 of the Convention. Effective tripartite consultations. The Committee notes with ***concern*** that the Government has not provided substantive information on the application of the Convention since 2009. In 2017, the Government informed that a Standing Committee for Social Dialogue had been established in 2014 pursuant to Ministerial Order No. 324 to discuss issues related to ILO activities, but that the Standing Committee had not held any meetings since its inaugural session. In 2019, the Government reported that the most important body for the purpose of the Convention is the Supreme Council for Social Dialogue, which is composed of two representatives from each of the tripartite constituents and is competent to discuss the development of national policies for social dialogue, fostering tripartite consultation, cooperation and exchanges of information, and advising on draft laws related to labour issues, trade unions and international labour standards. Regarding the obligation of holding tripartite consultations in relation to items on the agenda of the Conference *(Article 5(1)(a))*, the Government had merely indicated previously that consultations were being held through tripartite meetings coordinated with the ILO Office in Cairo without, however, providing details on neither the content nor the outcome of these consultations. The Committee notes with ***regret*** that, in its succinct report submitted in September 2023, the Government has, once again, not provided information in that regard and has not replied to the previous comments made by the Committee in 2019.

In this respect, recalling that, pursuant to Article 5(2) of the Convention, consultations on the matters referred to Article 5(1) need to be held at least once a year, the Committee once again urges the Government to provide specific and detailed information regarding the frequency, content and outcome of such consultations, specifying whether they are held in the Supreme Council for Tripartite Dialogue or some other identifiable tripartite body. In particular, it requests the Government to provide information on tripartite consultations held on all matters concerning international labour standards provided by the Convention, namely: government replies to questionnaires concerning items on the agenda of the International Labour Conference (Article 5(1)(a)); the submission of instruments adopted by the Conference to the House of Representatives (Article 5(1)(b)); the re-examination at appropriate intervals of unratified Conventions and Recommendations to which effect has not yet been given (Article 5(1)(c)); questions arising out of reports to be presented on the application of ratified Conventions (Article 5(1)(d)); and the possible denunciation of ratified Conventions (Article 5(1)(e)). The Committee also reiterates its request to the Government to provide information on any measures implemented or developed, or raised for discussion by the worker or employer members, as a result of the tripartite consultations on matters covered under Article 5 of the Convention. The Committee further reiterates its request to the Government to provide information on the impact on tripartite consultations of Decree No. 799/2019 mentioned in the Government's previous report which restructured the membership of the Supreme Council for Social Dialogue (Article 2).

Eswatini

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1981)

Previous comment

The Committee notes the observations from the Trade Union Congress of Swaziland (TUCOSWA) received on 1 September 2023. ***The Committee requests the Government to provide its comments in this regard.***

Articles 2 and 3 of the Convention. Criteria for determining the most representative employers' and workers' organizations. In its previous comments, the Committee noted the Government's indication that social dialogue processes in the country were mainly affected by the absence of clear criteria for determining the most representative employers' and workers' organizations. It thus requested the Government to provide updated information on measures to develop such criteria for the purposes of the Convention. In its report, the Government reiterates that the definition of clear criteria for determining the most representative organizations is left to the social partners, who hold their own bilateral discussions on this issue. The Government indicates that the 2019 Memorandum of Understanding between the workers' federations, TUCOSWA and the Federation of Swaziland Trade Unions (FESWATU), subsists without any changes, while the employers' federations, the Business Eswatini (BE) and the Federation of Eswatini Business Community (FESBC), are in the process of reviewing their Memorandum of Understanding. In this respect, the Committee wishes to draw the Government's attention to its 2000 General Survey on tripartite consultation, paragraph 34, in which it indicated that the Government should endeavour to secure the agreement of all the organizations concerned in establishing the consultative procedures provided for by the Convention, but if this is not possible, it is, as a last resort, for the Government to decide, in good faith and in the light of national circumstances, which organizations are to be considered the most representative. If there are two or more organizations of employers or workers which represent a significant body of opinion, even though one of them may be larger than the others, they may all be considered to be "most representative organizations" for the purpose of the Convention. ***The Committee urges the Government to provide updated information in its next report on developments in relation to this issue, on which conditions the proper implementation of the Convention in the country depends.***

Article 5(1). Effective tripartite consultations. The Committee previously noted the Government's efforts to clarify the respective functions of the Labour Advisory Board (LAB) and the National Steering Committee on Social Dialogue (NSCSD) and requested the Government to report on developments in this regard. The Government indicates that the Ad-Hoc Tripartite Working Committee on Social Dialogue assessed the functions of these bodies and drafted a report to be adopted by LAB. It also indicates that the NSCSD is conducting a self-assessment. Regarding LAB's functions, the Government reiterates that they entail consultations on all issues under *Article 5(1)* of the Convention. It also reports that LAB, which must meet four times a year and at the request of six LAB members, held nearly twice as many annual meetings over the past three years in response to demands to adopt various instruments. The Committee nevertheless notes from the Government's report that the instruments discussed and adopted by LAB do not concern the matters listed under *Article 5(1)* of the Convention. The Committee notes that, aside from the issue of submissions and consideration of new ratification prospects examined below, the Government has once again not provided the specific information requested on the consultations held to give effect to the Convention. ***The Committee therefore urges the Government to provide detailed information on the content, frequency and outcome of the tripartite consultations held by the relevant bodies, in particular, LAB, on each of the matters concerning international labour standards covered by Article 5(1) of the Convention. It also requests the Government to keep it***

informed of its efforts to clarify the mandates of LAB and the NSCSD and, more generally, to strengthen and promote social dialogue.

Article 5(1)(b), (c) and (e). Submission to the competent authorities of adopted ILO instruments. Prospects of ratification of unratified Conventions and proposals for the denunciation of ratified Conventions. The Government indicates in its report that particular attention was paid to the submission to the competent authorities of the instruments adopted by the International Labour Conference at its 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions. The Government explains that it failed to honour its obligations previously and that it was called on by LAB to expedite the process. As a result, all pending ILO standards were submitted to the Houses of Parliament and the House of Assembly of Eswatini, on 23 and 25 May 2022, respectively. The Government indicates that, after it availed itself of ILO technical assistance to undertake workshops and gap analyses, the ratification of these instruments was postponed awaiting for the respective gap analyses to be carried out so as to facilitate the consideration of the possible ratifications of the instruments listed in the memorandum of submission as well as other instruments recommended by the Standards Review Mechanism (SRM). It further indicates that concerning: (i) the Violence and Harassment Convention, 2019 (No. 190), the drafting of the report is under way; (ii) the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the draft report was validated by the social partners; (iii) the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the gap analysis terms of reference are being finalized with technical support from the International Organization for Migration (IOM). Lastly, it indicates that LAB will provide recommendations on the possible ratification of ILO Conventions prioritized in the Decent Work Country Programme (DWCP) for 2022–25. With regard to the observations of the social partners, the Committee notes that TUCOSWA alleges that the implementation of the 2016 time-bound work plan for the ratification of the Domestic Workers Convention, 2011 (No. 189), has been delayed due to the lack of political will of the Government. ***The Committee requests the Government to continue to provide updated information on the ratification prospects of up-to-date Conventions. Furthermore, taking into account that a time-bound work plan had been agreed by LAB in 2016 to discuss the possible ratification of the Domestic Workers Convention, 2011 (No. 189) and noting the TUCOSWA observations in this regard, the Committee requests the Government to provide information in this respect in its next report.***

Nicaragua

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1981)

Previous comment

Complaint submitted under article 26 of the ILO Constitution. The Committee notes that, at its 349th Session (October 2023), the Governing Body declared receivable a complaint submitted under article 26 of the Constitution by several employer delegates at the International Labour Conference in 2023, who alleged the failure by the Government of Nicaragua to comply with this Convention and with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Committee notes that, at its 350th Session in March 2024, the Governing Body: (i) took note of the deep concerns expressed by the Committee and by the Conference Committee on the Application of Standards in their latest examination of the implementation by the Government of Nicaragua of the Conventions which are the subject of the article 26 complaint; (ii) urged the Government to address, as a matter of urgency, the serious compliance gaps identified and to accept ILO technical assistance to that effect; (iii) requested the Government and the social partners to provide detailed information on all the issues raised in the complaint to the Governing

Body at its 352nd Session (October–November 2024); and (iv) deferred to its 352nd Session the decision to consider further action in respect of the article 26 complaint, in light of the follow-up given to the above.

The Committee also notes that, at its 352nd Session in November 2024, the Governing Body: (i) recalled the deep concerns expressed by the Committee and by the Conference Committee in their latest examination of the implementation by the Government of Nicaragua of the Conventions that are the subject of the article 26 complaint; (ii) deplored the lack of meaningful engagement of the Government, and the fact that it has responded to none of the Office communications and has not provided the information requested by the Governing Body; (iii) urged the Government to address the issues raised in the complaint as a matter of urgency; (iv) called on the Government to respond to the Office communications and to provide the information requested since the 350th Session (March 2024) of the Governing Body as soon as possible; and (v) decided to send a high-level tripartite mission to assess the issues raised in the complaint, and to provide a full report to the Governing Body at its 353rd Session (March 2025) and defer the decision on further action in accordance with article 26 of the Constitution to that session. ***The Committee firmly hopes that the Government will adopt without delay the necessary measures to enable the ILO high-level tripartite mission to take place, and hopes that these measures will address, in the near future, the matters raised in the complaint, including those related to this Convention.***

Articles 1, 2, 3(1) and 5 of the Convention. Most representative organizations of employers and workers. Appropriate procedures. Effective tripartite consultations. The Committee refers to its observation of 2023 on the application of Convention No. 87 by Nicaragua, in which it noted the observations of the International Organisation of Employers (IOE), in which the IOE expressed deep concern at the ministerial decisions adopted on 3 March 2023 through which the Government arbitrarily and unlawfully annulled the legal personality of the Higher Council for Private Enterprise of Nicaragua (COSEP), the most representative employers' organization in Nicaragua established three decades ago and a member of the IOE, as well as its 18 affiliated associations. In this respect, the Committee notes that, in its 2024 conclusions on the application of Convention No. 87, the Conference Committee urged the Government, in the strongest terms, to ensure that workers and employers can establish their own organizations and operate without interference and in that regard ensure that, COSEP is able to operate again without previous authorization. The Committee also refers to its 2024 observation on Convention No. 87, in which, similarly to the Conference Committee, it deeply deplores the persistent climate of intimidation and harassment of workers' and employers' organizations and reiterates its deep concern about the alleged arrest and detention of employers' officials since last year.

In this regard, the Committee underscores that, in accordance with the definition provided in *Article 1* of the Convention, the most representative organizations of employers and workers are those that enjoy the right of freedom of association. The Committee recalls that "… the reference to the 'right of freedom of association' is intended to guarantee that consultations take place under conditions in which representative organizations have an opportunity to express their point of view in total freedom and independence, which can only be guaranteed through full respect for the principles embodied in Conventions Nos 87 and 98, which include the right of all workers and employers to establish and join organizations of their own choosing, the right of such organizations to manage their own internal affairs without interference by the public authorities, and the right of employers' and workers' organizations to protection from acts of interference by each other" (see the 2000 General Survey on tripartite consultation, paragraph 40).

Regarding the holding of tripartite consultations on all matters concerning international labour standards covered by the Convention (*Article 5* of the Convention), the Committee recalls that, in its previous comments, it requested the Government to provide detailed and updated information on the frequency, content and outcomes of those consultations. In this regard, the Committee notes with ***regret*** the aforementioned Government's report in which it merely reiterates that the country's most

representative social partners have been informed of the questionnaires on the items included on the agenda of the International Labour Conference, the replies to the questionnaires under article 19 of the ILO Constitution and the reports on ratified Conventions under article 22 of the ILO Constitution. The Government states that, in general, the reports are made in the form indicated by the Governing Body and contain the requirements of the Committee, and the replies to the questionnaires include the comments received on those questionnaires. The Government adds that, between 2018 and 2023, 53 reports were submitted on ratified Conventions. In this regard, the Committee highlights that the consultation of employers' and workers' organizations implies their active participation and the formulation and communication of their respective views. The Committee is bound to once again recall that this obligation to consult the representative organizations on the reports to be made concerning the application of ratified Conventions must be clearly distinguished from the obligation to communicate these reports under article 23, paragraph 2, of the Constitution. In order to fulfil their obligations under this provision of the Convention, it is not sufficient for governments to communicate to employers' and workers' organizations copies of the reports that they send to the Office, since any comments that these organizations may subsequently transmit to the Office on these reports cannot replace the consultations which have to be held during the preparation of the reports (2000 General Survey, paragraph 92). ***In the light of the above elements, and with reference to its comments on the application of Convention No. 87, the Committee firmly urges the Government to take, without further delay, all the necessary measures to ensure that effective tripartite consultations are held with the most representative employers' and workers' organizations, and that they enjoy, in law and in practice, the right to freedom of association, in accordance with Articles 1 and 2 of the Convention. In this regard, the Committee once again requests the Government to provide detailed and updated information on the frequency, content and outcomes of the tripartite consultations held on all matters related to international labour standards covered by Article 5(1)(a)–(e) of the Convention.***

Nigeria

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1994)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1 of the Convention. Consultations with representative organizations. In its previous comments, the Committee expressed the firm hope that the pending legislative reforms, particularly the National Labour Institutions Bill still pending before the National Assembly, would be finalized without further delay. It reiterated its request that the Government report on the results of the reform and its impact on the improvement of consultations with representative organizations that enjoy freedom of association, as required under this Convention. In this context, since 2004, the Committee has also consistently reminded the Government that it is important for employers' and workers' organizations to enjoy the right to freedom of association, without which there could be no effective system of tripartite consultation. The Committee also requested the Government to indicate the outcome of the meetings held with the stakeholders in April 2018 in relation to the reforms, and to provide a copy of the relevant legislation once adopted. The Committee notes the Government's reference in its report to the inauguration of the National Labour Advisory Council (NLAC) for 2021–25. According to information available on the Federal Ministry of Information and Culture website, during the inauguration, the Government indicated that, from 2nd to 4th March 2020, the Ministry of Labour had collaborated with the Nigeria Labour Congress (NLC), the Trade Union Congress (TUC) and the Nigeria Employers' Consultative Association (NECA) in reviewing the Draft National Labour Bills, which were withdrawn from the National Assembly for review and resubmission. At that time, the Government further indicated that the adoption of the pending legislative reforms would expand the scope and functions of the NLAC. ***The Committee therefore expresses once again the firm hope that the pending legislative reforms will be finalized and adopted without further delay. It also reiterates its request that the Government provide detailed information on the results of the reform and its impact***

on the improvement of consultations with representative organizations that enjoy freedom of association, as required under the present Convention. The Committee further requests the Government to indicate the content and outcome of the meetings held with the stakeholders in March 2020 in relation to the reforms, and to provide a copy of the relevant legislation once it is adopted.

Article 5(1). Tripartite consultations required by the Convention. In reply to the Committee's previous comments, the Government reports that the social partners are consulted on issues related to international labour standards, particularly regarding the possibility of ratifying ILO Conventions, as well as in relation to reports on ratified Conventions submitted to the ILO pursuant to article 22 of the ILO Constitution. In addition, Conference preparatory meetings are held with the social partners to harmonize the country's position. The Committee notes with ***interest*** that, with the support of the ILO Office in Abuja, tripartite consultations were held within the NLAC in a two-day session from 23 to 24 March 2021. The Committee notes from the website of the Federal Ministry of Information and Culture, that the March 2021 session was the first session of the NLAC held since 2014. In addition, the Committee notes the ILO press release of 24 March 2021, according to which, during the March 2021 consultations, the tripartite constituents discussed the possible ratification of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the Private Employment Agencies Convention, 1997 (No. 181); the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); and the Violence and Harassment Convention, 2019 (No. 190). The Committee notes that, according to the press release, all four Conventions discussed are to be ratified. Moreover, it was agreed during the March 2021 consultations that the regularity of NLAC meetings would be ensured in conformity with this Convention. Finally, the Committee notes that the ILO is currently supporting the development of the first National Industrial Relations Policy and the Decent Work Country Programme (DWCP) III for Nigeria. ***The Committee requests the Government to continue to provide updated, detailed information on the content, outcome and frequency of tripartite consultations held on all matters concerning international labour standards covered by the Convention, including in relation to: questionnaires on Conference agenda items (Article 5(1)(a)); proposals to be made to the competent authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the ILO Constitution (Article 5(1)(b)); the re-examination at appropriate intervals of unratified Conventions and Recommendations to which effect has not yet been given (Article 5(1)(c)); questions arising out of reports to be presented on the application of ratified Conventions (Article 5(1)(d)); and proposals concerning the possible denunciation of ratified Conventions (Article 5(1)(e)).***

Article 6. Operation of the consultative procedures. The Committee notes that the Government does not provide information in this regard. ***The Committee therefore reiterates its request that the Government indicate whether, in accordance with Article 6, the representative organizations have been consulted in the preparation of an annual report on the working of the consultation procedures provided for in the Convention and, if so, to indicate the content and outcome of these consultations.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Poland

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1993)

Previous comment

The Committee notes the observations of the Independent and Self-Governing Trade Union "Solidarność", received on 1 September 2022, as well as the reply of the Government, received on 2 November 2022.

Article 2 of the Convention. Consultation procedures. In its previous comments, the Committee requested the Government to provide an evaluation of the effectiveness and impact of the Social Dialogue Council (SDC) Act with respect to the matters covered by the Convention. In this regard, the Committee notes the Government's indication that, pursuant to section 87 of the SDC Act, the members of the SDC evaluated the functioning of the provisions of the Act and submitted recommendations for

modifications to the President of the Republic of Poland, which were included in the draft amendment to the SDC Act. In its report, the Government indicates the adoption of the Act of 15 June 2018, amending the SDC Act with a view to increasing the organizational autonomy of the SDC. The Committee observes that some of the amendments introduced are related to the composition of the SDC. In this regard, section 26(3) as amended provides that the workers' and the employers' sides of the SDC shall have an equal number of representatives, not more than 25 each; and section 26(4)(a) establishes that where it is not possible to establish an equal number of representatives for each of the organizations whose representatives represent the workers' or employers' side in the SDC, each side to the SDC may establish a different number of representatives for each of the organizations whose representatives represent the workers' or employers' sides in the SDC, the difference being not more than one.

The Committee further notes that the Government indicates that the methods of appointment of members of different teams within the SDC, including the Team for International Affairs, are established in the SDC Regulations. Pursuant to section 18 of the Regulations, permanent and ad hoc teams are appointed by a resolution of the SDC, which specifies the tasks of the team, its composition or the method of determining its composition. According to section 18(3) of the Regulations, the team's chairperson is alternately a representative of the workers or the employers in the SDC. The term of office of the team's chairperson is four years. Lastly, the Committee notes that Solidarność indicates that workers' and employers' organizations freely choose their representatives in the SDC, including with regard to experts that participate in ad hoc thematic groups within the SDC.

Article 5(1). Effective tripartite consultations. The Committee notes the Government's indication that tripartite consultations have been held within the tripartite Team for International Affairs of the SDC (SDC-TIA) on matters related to agenda of the International Labour Conference, and the submission of Conventions and Recommendations to the competent authority (*Article 5(1)(a)* and *(b)* of the Convention). Regarding the latter, the Government indicates that members of the SDC-TIA are informed about the commencement of the submission procedure and the planned course of action, and subsequently, information is exchanged in writing to enable the participation of other social partners experts in the given topic that might not be members of SDC-TIA. Moreover, copies of the draft reports on ratified and non-ratified Conventions to be sent to the ILO per articles 22 and 19 of the ILO Constitution are sent to the social partners for their observations (*Article 5(1)(d)* of the Convention). ***The Committee requests the Government to continue to provide detailed information on the content and the outcome of the tripartite consultations held on each of the international labour standards matters covered by Article 5(1) of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Slovakia

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1997)

Previous comment

The Committee notes the observations of the Association of Industrial Unions (AIU), received on 16 April 2020, as well as the Government's reply to these observations, received on 10 November 2020. It further notes the observations of the Confederation of Trade Unions of the Slovak Republic (KOZ SR), received on 18 March 2021, and the Government's reply thereto, received on 5 November 2021.

Articles 2(1) and 3(1) of the Convention. Consultation procedures. Election of representatives of the social partners. The Committee notes that, in its observations, KOZ SR argues that, following the introduction of amendments to Act No. 103/2017 Coll. On Tripartite Consultations at the National Level (hereinafter the Tripartite Act) – with effect from 1 March 2021 – the Government changed the legal requirements regarding representativeness of workers' organizations with the intent to lead social dialogue at the

national level. KOZ SR claims that the new requirement establishing representativeness of workers' organizations is in violation of the present Convention. In this respect, KOZ SR indicates that, prior to the adoption of the new amendments, workers' organizations must have at least 100,000 members to be considered as "representative organizations". KOZ SR points out that, following the adoption of the amendment to the Tripartite Act (section 3(3)(b)), if the number of workers' organizations meeting this requirement is less than three, workers' organizations with less than 100,000 members can also be granted participation in tripartite consultations at the national level. KOZ SR maintains that the latter could lead to the participation of, by way of example, workers' organizations with only 1,000 members, which creates a justified doubt on the representativeness of such workers' organizations and establishes unequal conditions for participating in national tripartite social dialogue. KOZ SR argues that the Government adopted this new amendment with the purpose of allowing non-representative workers' organizations to join the national tripartite social dialogue and thus weakening KOZ SR's role as the most representative workers' organization. KOZ SR stresses that a purpose-built expansion of the number of entities participating in the national tripartite social dialogue endangers its efficiency. It adds that the higher the number of entities, the bigger the potential for contradictory opinions, which makes it more difficult to reach a consensus. Lastly, KOZ SR alleges that, as a result of the amendment, new workers' organizations will be established with the single purpose of being controlled by the Government.

The Committee also notes the Government's indication that the objective of section 3(3)(b) of the amended Tripartite Act providing that at least three entities may be members of the Economic and Social Council of the Slovak Republic (hereinafter the Council) on employees' and employers' sides is to strengthen the representativeness and to ensure the Council's functioning. The Government further indicates that each representative organization of workers with more than 100,000 members, shall automatically become a member of the Council, provided it complies with section 3(3)(a) of the Tripartite Act. Only in cases where there are fewer than three workers' organizations on the Council, can other trade unions with fewer than 100,000 members apply for Council membership. In case of a disagreement, an arbitrator shall decide and if a conclusion cannot be reached, a court shall decide. The Government adds that, while the provision also applies to employers' organizations, at present, there are already three representative employers' organizations being members of the Council. Therefore, other employers' organizations with less than 100,000 members cannot become members of the Council. The Government indicates that, before the amendment, three employers' organizations and one workers' organization (KOZ SR) were holding membership to the Council. Lastly, the Government indicates that the aim of the amendment is to ensure equality on the side of workers as well as employers and the Council's functionality even in case an organization could not reach 100,000 employees, while at the same time keeping the maximum number of members on both sides at three. In reply to the KOZ SR's argument that the amendment is discriminatory towards this organization and that it aims to "weaken" KOZ SR, the Government indicates that the amendment's objective is to strengthen the protection of all workers' rights by allowing more workers' organizations to hold membership in the Council.

The Committee notes that the change introduced in the national legislation and practice described above impacts the manner in which the Convention is implemented. It observes that while the Convention requires that employers and workers need to be represented on an equal footing on any bodies through which consultations are undertaken, it does not necessarily require that there be equality in the number of representative organizations since there may be cases where only a single organization is the most representative. The Committee understands that, as suggested by the KOZ SR, when put in practice, the amendment could result in situations where an organization of workers or employers could be considered as "most representative" in order to reach numerical equality between workers' and employers' representation in the Council while in effect its membership could be much inferior to those of the other most representative organizations. ***The Committee hence requests the***

Government to provide detailed updated information on the reasons leading to the change in the national legislation. It also requests the Government to indicate how the new membership of the Economic and Social Council of the Slovak Republic is expected to effectively promote and strengthen tripartism and social dialogue, taking into account that the most representative organization of workers in the country strongly disagrees with them and considers their purpose to be to allow non-representative workers' organizations to join the national tripartite social dialogue and weaken the role of the most representative workers' organization.

The Committee is raising other matters in a request addressed directly to the Government.

Togo

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1983)

Previous comment

Article 5(1) and (2) of the Convention. Effective tripartite consultations at regular intervals. Since the ratification of the Convention by Togo, the Committee has repeatedly requested detailed information on the tripartite consultations held on the matters referred to in *Article 5(1)* of the Convention. In this regard, the Committee notes with ***regret*** that the Government, in its last report received in 2022, merely reiterates largely the same information as that provided in its previous report in 2017. ***The Committee therefore urges the Government to provide detailed information on the content and outcome of tripartite consultations held on all the matters referred to in Article 5(1) of the Convention, namely: (i) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference; (ii) the submission of Conventions and Recommendations to the competent national authorities for examination; (iii) the re-examination of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate; (iv) questions arising out of reports on the application of international labour standards; and (v) proposals for the denunciation of ratified Conventions.***

Article 3(1). Free choice of employers' and workers' representatives. The Committee notes that section 3 of Decree No. 2022-022/PR of 23 February 2022 provides that persons may not exercise responsibility for the administration or direction of a union who have received a conviction involving loss of civic rights or a conviction to a correctional penalty, with the exception of: (a) convictions for offences involving imprudence, except in case of hit-and-run offences; and (b) convictions for misdemeanours for which the penalty is not subject to proof of bad faith and which only involve liability to a fine, with the exception of misdemeanours qualified as offences by company laws. ***Noting that these provisions are identical to those of section 14 of the new Labour Code, the Committee refers to its 2023 comments on the application of Article 3 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), recalling that a conviction for an act the nature of which is not such as to call into question the integrity of the person concerned and is not such as to prejudice the performance of trade union duties should not constitute grounds for disqualification from trade union office, and requests the Government to provide information on any measures taken or envisaged to ensure that representatives of employers and workers are freely chosen, in accordance with Article 3(1) of Convention No. 144.***

The Committee is raising other matters in a request addressed directly to the Government.

Uganda

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (ratification: 1994)

Previous comment

Articles 2 and 5 of the Convention. Effective tripartite consultations. Frequency of tripartite consultations. In its report, the Government indicates that the National Tripartite Charter on Labour Relations of 2013 provides for the procedures which ensure effective tripartite consultations on international labour standards covered by *Article 5(1)* of the Convention. It also reports that the Charter, which had been under tripartite review since October 2022, was pending adoption at the time of reporting. The Government further indicates that, with ILO technical assistance, training on international labour standards, with a particular emphasis on reporting issues, was held from 27 June to 30 June 2023. Lastly, it adds that meetings regarding consultations on the matters concerning the activities of the ILO are convened as it deems appropriate. The Committee notes with ***concern*** that the Tripartite Charter on Labour Relations of 2013 supposed to give effect to the obligations assumed under the Convention was still not adopted in 2022 and urges the Government to proceed with its enactment. Furthermore, the Committee draws the Government's attention to the fact that, in accordance with *Article 5(2)* of the Convention, tripartite consultations must be undertaken at appropriate intervals fixed by agreement with the workers' and employers' representatives, but at least once a year. Noting that for many years the Government has not provided the specific information requested as regards how it is ensured that effective and periodic consultations for the purpose of the Convention are carried out in the country, the Committee recalls that while having procedures established by national law and practice for consultations related to international labour standards is important, it does not dispense the Government from providing information on how these procedures are operated in practice in its report on the application of the Convention. ***The Committee therefore once again requests the Government to provide detailed information on the content, frequency and outcome of the tripartite consultations held on all of the matters concerning international labour standards covered by Article 5(1) of the Convention during each period covered by its reports on the Convention, including with respect to: the Government's replies to questionnaires concerning items on the agenda of the International Labour Conference (Article 5(1)(a)); the proposals to be made to the competent authorities upon the submission of instruments adopted by the Conference (Article 5(1)(b)); the re-examination at appropriate intervals of unratified Conventions and Recommendations to which effect has not yet been given (Article 5(1)(c)); the reports to be made on the application of ratified Conventions (Article 5(1)(d)); and the proposals for the denunciation of ratified Conventions (Article 5(1)(e)). It further requests the Government to provide information on how the revised National Tripartite Charter on Labour Relations, once adopted, will impact the implementation of the Convention.***

Article 4. Administrative support and financing of training. The Committee notes in the Government's report indicating that the participation of the employers' and workers' organizations at the International Labour Conference is financed by the Government. It further notes that training for the consultative procedures is funded by the Government with assistance from the international organizations and other development partners. ***The Committee requests the Government to provide detailed and specific information on the manner in which it also assumes responsibility for the administrative support of the consultation procedures covered by the Convention (Article 4(1)), as well as detailed information specifically on the arrangements made for the financing of the training of participants in consultation procedures, including their content, frequency and the impact of the training provided (Article 4(2)).***

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 144** *Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bangladesh, Barbados, Belize, Benin, Bosnia and Herzegovina, Brazil, Burkina Faso, Cabo Verde, Cameroon, Canada, Chile, China, China (Macau Special Administrative Region), Comoros, Congo, Cook Islands, Croatia, Cyprus, Czechia, Denmark, Ethiopia, France, Gabon, Germany, Hungary, Israel, Japan, Kenya, Kiribati, Liberia, Lithuania, Luxembourg, Montenegro, Netherlands (Aruba), North Macedonia, Poland, Russian Federation, Sao Tome and Principe, Sierra Leone, Singapore, Slovakia, Slovenia, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Ukraine, Uzbekistan, Viet Nam, Yemen.*

Labour administration and inspection

Albania

Labour Inspection Convention, 1947 (No. 81) (ratification: 2004)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 2007)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Articles 5(a), 17 and 18 of Convention No. 81 and Articles 12(1), 22 and 24 of Convention No. 129. Prosecutions and penalties. The Committee notes that the Government report does not contain a reply to the previous request. The Committee further notes that, according to the labour inspection report, 2,506 administrative measures were imposed in 2023, representing about 25 per cent of the inspected subjects. Among these, 1,115 were suspension measures (44 per cent) for the flagrant violation of labour relations and safety at work, 1,243 were warnings (50 per cent) and 148 were fines (6 per cent). The labour inspection report also indicates that the administrative measures were adopted during the following types of inspections: 1,759 during scheduled inspection (21 per cent in relation to the total scheduled inspections), 199 during thematic inspections (23 per cent in relation to the total thematic inspections), 165 during inspections following an accidents (76 per cent in relation to the total of such inspections) and 107 during random inspections (145 per cent in relation to the total of random inspections). The Committee notes the Government's indication that the Fines Matrix (MPS) is a system that assists labour inspectors in ensuring unified decision-making according to legal provisions. This system considers and processes information from 3,200 legal requirements and, based on the subject's violation history, proposes the penalty measure prescribed by law with the principle of proportionality. With regard to the execution of the administrative measures, the labour inspection report for 2023 indicates that there were 49 appeals against inspection decisions which led to 43 being left in force, 6 decisions being changed (in 5 cases the measure was changed from a fine to a warning and in one case the fine was reduced) and there has been no cancellation of inspection decisions from the appeal body. In terms of execution of fines, the report indicates that 41 per cent of the fines for 2023 have been liquidated, amounting to 11,730,000 Albanian leks (approximately US$130,000). The Committee notes that the number of fines imposed is still low in comparison to the number of administrative measures adopted. ***The Committee requests the Government to take the necessary measures to ensure that adequate penalties for violations of the legal provisions enforceable by labour inspectors are effectively enforced. The Committee requests once again that the Government provides detailed information on the number of prosecutions, the number and nature of fines imposed, the outcomes of the judicial appeals of inspection decisions and the percentage of violations detected during unscheduled and scheduled inspections respectively.***

Article 6 of Convention No. 81 and Article 8 of Convention No. 129. Conditions of service. The Committee notes with ***concern*** that, for the second consecutive time, the Government did not provide a reply to the Committee's previous request. The Committee further notes that, according to the information on the application of Conventions Nos 81 and 129 supplied by the Government to Committee on Application of Standards (CAS) of the International Labour Conference, in May 2024: (i) labour inspectors have the status of civil servants and benefit from all the rights and obligations that come from this status; (ii) labour inspectors do not have any special treatment in salary or working conditions, despite the difficulties and the complexity of their tasks; (iii) in terms of salary, labour inspectors, like all public administration employees, received a significant salary increase for all categories in 2023. However, no

additional increase in salary to address work-related difficulties has been approved yet; (iv) there is an ongoing discussion on the possibility of such increase, reflecting the Ministry of Economy, Culture and Innovation's will to approve this right for labour inspectors, as already applied to other inspectorates; and (v) the Government has initiated a reform of the inspectorates in the country, with the status of the inspector being one of the most important topics under discussion. ***The Committee urges once again the Government to adopt the necessary measures in order to ensure that labour inspectors are provided with the status and conditions of service that are such to assured stability of employment and independence of changes of government and of improper external influences. The Committee urges the Government to provide information on any progress made to improve the conditions of service of labour inspectors and on the results achieved. The Committee once again requests the Government to strengthen its efforts to ensure the availability of comparative information on the actual remuneration scale of labour inspectors in relation to other comparable categories of Government employees exercising similar functions, such as tax inspectors or police officers, and to provide detailed information in this regard.***

Articles 10 and 11 of Convention No. 81 and Articles 14 and 15 of Convention No. 129. Staffing and material means of the labour inspection services. The Committee notes with ***concern*** that, for the second consecutive time, the Government did not provide a reply to the Committee's previous request. The Committee further notes that, according to the information on the application of Conventions Nos 81 and 129 supplied by the Government to the CAS, in May 2024: (i) the organization of staff resources and distribution of local offices are based on the size and geographical distribution of enterprises; (ii) according to the ILO Regional Peer Review Report of Labour Inspectorates, the current number of inspectors in Albania is deemed insufficient to cover all legal entities subject to inspection and to ensure an adequate and frequent presence to properly supervise legislative compliance; (iii) transportation remains an unresolved issue because the number of official vehicles assigned to labour inspectors when required for field visits is insufficient; and (iv) there is plan to purchase new cars in 2024 and 2025. The Committee further notes that, according to the 2023 labour inspection report, the structure of the labour inspectorate includes 165 labour inspectors' posts, of which 22 are vacant. ***The Committee once again urges the Government to take the necessary measures to ensure that: (i) the labour inspectorate has a sufficient number of inspectors to ensure the effective discharge of labour inspection duties; (ii) the budget allocated to labour inspection is sufficient to secure the effective discharge of the duties of the labour inspectorate, by providing it with adequate staffing and material means, such as suitably equipped offices and necessary transport facilities. The Committee urges the Government to provide detailed information on the progress achieved in this respect.***

Articles 12(1) and 16 of Convention No. 81 and Articles 16(1) and 21 of Convention No. 129. Right of inspectors to enter freely any workplace and undertaking of inspections as often and as thoroughly as is necessary. The Committee notes with ***concern*** that once again the Government does not provide information on the measures taken to amend sections 26 and 27 of the Law No. 10433 of 2011 on inspection which, as noted in its previous comment, restrict the free initiative of inspectors by providing that "off-programme" inspections may only be carried out in prescribed situations and by requiring a formal authorization to inspect, issued by the Chief Inspector or the chief inspector of the territorial branch. The Committee notes that, according to the labour inspection report, in 2023 there were 8,254 scheduled inspections, 848 thematic inspections, 544 inspections due to complaint, 74 random inspections and 218 inspections due to an occupational accident. ***The Committee urges the Government to adopt the necessary legislative measures to ensure that labour inspectors are empowered to enter workplaces liable to inspection freely and without previous notice in conformity with Article 12(1)(a) of Convention No. 81 and Article 16(1)(a) of Convention No. 129, and that they are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in conformity with Article 16 of Convention No. 81 and Article 21 of Convention No. 129. In addition, the Committee renews its request for the Government to provide information on any***

disciplinary measures imposed on labour inspectors related to the procedures for the authorization of inspection under the Law on inspection. The Committee also requests that the Government continues to provide information on the number of scheduled and unscheduled inspections.

Matters specifically relating to labour inspection in agriculture

Articles 6(1)(a) and (b) and (3), and 19 of Convention No. 129. Labour inspection activities in agriculture. The Committee notes that the Government did not provide a reply to the Committee's previous request. The Committee notes that, according to the 2023 labour inspection report, 94 inspections in 2022 (out of 10,154) and 59 inspections in 2023 (out of 9,938) were carried out in the agricultural sector. ***Noting once again that the percentage of the inspection visits carried out in agriculture continues to be low, the Committee once again requests the Government to strengthen its efforts to ensure the enforcement of laws and regulations in agriculture, including with respect to OSH, and to continue to provide information on the number of inspections carried out in that sector. Noting the absence of information on this matter, the Committee also requests the Government to provide information on measures undertaken or envisaged to ensure that training is provided to labour inspectors on agriculture-related subjects, and on any progress made in this respect.***

The Committee is raising other matters in a request addressed directly to the Government.

Bangladesh

Labour Inspection Convention, 1947 (No. 81) (ratification: 1972)

Previous comment

The Committee notes the observations of the Trade Union's International Labour Standards Committee (TU-ILS Committee), received on 11 October 2024. The Committee also notes the observations from the Bangladesh Employers' Federation (BEF) communicated with the Government's report. ***The Committee requests the Government to provide its comments with respect of both observations.***

The Committee notes that the complaint submitted in 2019 under article 26 of the ILO Constitution, concerning non-observance by the Government of Bangladesh of the Convention as well as of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), is pending before the Governing Body. At its 352nd Session (October–November 2024), taking note of the report submitted by the Government on 24 September 2024 on the progress made with the implementation of the road map of actions and mindful of the recent political changes which led to an interim Government, the Governing Body: (a) urged the Government to fully commit to a timely implementation of its road map of actions and take all necessary action to that effect; (b) welcomed the commitment expressed by the Government to a labour reform agenda and called on the Government and the social partners to reinforce their tripartite consultations on the labour law reform in a constructive manner with a view to bringing about all necessary reforms as a matter of priority, with the ILO technical assistance and the support that could be provided by the secretariats of the Employers' and Workers' groups; (c) requested the Government to report by 15 January 2025 on further progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint for transmission to the Governing Body at its 353rd Session (March 2025); and (d) deferred the decision on further action in respect of the article 26 complaint to that session (GB.352/INS/14(Rev.2)/Decision).

The Committee notes the recent political changes which led to an interim Government. It also takes note of the additional information provided by the Government on 24 September 2024 on the progress made in the implementation of the road map to address all the outstanding issues mentioned in the article 26 complaint.

Legislative developments. Following its previous comment, the Committee notes the Government's indication in its progress report on the implementation of the road map that, after the President sent back to Parliament the proposed amendment of the Bangladesh Labour Act, 2006 (BLA) at the end of 2023 with certain observations and he advised the Tripartite Law Review Committee (TLRC) to discuss the scope for further improvements, the Labour Law Working Group of the Ministry of Labour and Employment (MoLE) has been working on preparing a new draft. The Government indicates that the proposed amendments will soon be discussed in the TLRC and will then be placed before the National Tripartite Consultative Council (NTCC); following the NTCC approval, the proposed amendment would then be sent to Cabinet. With regard to the amendments of the Bangladesh Export Processing Zone (EPZ) Labour Act, 2019, the Government indicates that a Tripartite Standing Committee consisting of equal number of representatives from employers and workers has been re-established to work on proposals and has conducted two meetings in February 2024. In addition, the Government indicates that between August 2022 and December 2023, the Bangladesh Export Processing Zone Authority (BEPZA) has conducted several stakeholders meetings. ***While noting these developments, the Committee recalls the importance of enacting long-needed reforms to both the BLA and the EPZ Labour Act. The Committee once again expects that the amendments to the BLA and the EPZ Labour Act will take into account all the outstanding issues concerning the application of the Convention raised by the Committee in these comments and requests the Government to continue providing detailed information on the progress of its legislative reform, including copies of all amendments when they are enacted. The Committee recalls that the Government can avail itself of the technical assistance of the Office in this regard.***

Articles 2, 4, 12 and 23 of the Convention. Labour inspection in EPZs and Special Economic Zones (SEZs). Following its previous comment, the Committee notes with ***interest*** the Government's indication that section 34 of the BEZA Act, 2010 has been amended to make the BLA applicable to SEZs. The Government notes that BEZA received approval to establish 97 economic zones countrywide, comprising 68 Government and 29 private SEZs. Therefore, according to the Government, this amendment will bring around 60,000 workers under the BLA, and also entails the right of the Department of Inspection for Factories and Establishments (DIFE) to conduct inspections. The Committee notes that the amended section 34 of the BEZA Act, 2010 establishes that the provisions of the Bangladesh labour Act 2006 shall, with necessary changes, apply to the economic zones established under the Act.

With regard to DIFE inspections to EPZs, the Government reiterates that: (i) inspectors are empowered to inspect establishments in the EPZs without any prior permission of the BEPZA; and (ii) according to section 290 of Bangladesh EPZ Labour Rules, 2022, DIFE will only provide a notification either in writing or verbally to BEPZA about the inspection. The Government indicates that as of June 2024, DIFE inspected 144 factories within EPZs, and out of the first 139 inspections, 26 were announced inspections and 113 unannounced. In addition, the Inspector General (IG) of the DIFE inspected EPZ factories in six instances. During such inspections, the Government indicates that there was overall compliance of the factories concerned and that DIFE provided some observations on improvement of the service book management, maintenance of first aid boxes, updating of the safety committee register, and so on. The Government also indicates that the inspections covered 245,935 workers and that there are about 486,000 workers in the eight EPZs. The Government adds that in the first six months of 2024, BEPZA inspectors conducted a total of 4,244 inspections and found overall compliance. ***The Committee requests the Government to provide information on the number of inspections conducted by DIFE in SEZs, as well as the number and nature of violations found, and the sanctions imposed. It also requests the Government to provide information on the practical application of the amended section 34 of the BEZA Act, 2010, particularly indicating any changes in the application of the BLA with respect to SEZs. The Committee requests the Government to continue to take the necessary measures to ensure that labour inspectors are empowered to enter freely establishments in EPZs without any***

restrictions. In this respect, and the interest of legal certainty, the Committee requests the Government to adopt the necessary measures to amend section 168 of the EPZ Labour Act which provides that DIFE inspectors are required to receive approval from the Executive Chairman of the BEPZA prior to the inspection of EPZs. Noting the Government's indication that DIFE uses the inspection checklist for inspections in EPZs, the Committee requests once again the Government to indicate whether inspectors can carry out tests, examinations, and enquiries that are not covered by the EPZ inspection checklist but that they consider necessary to verify the strict observance of the relevant legal provisions. The Committee requests the Government to continue to provide detailed information on the number of inspections in the EPZs undertaken by the DIFE that were announced, as compared with those that were unannounced, the number and nature of violations detected, and the measures taken as a result of such violations.

Articles 5(b) and 15(a). Cooperation with employers and workers. Impartiality of labour inspectors. In reply to the Committee's previous comment concerning the Hashem Food Factory incident in 2021, the Government indicates that a fire broke out only in one of seven buildings (the last of the premises) and that after the accident the affected building was closed and remains closed.

Regarding the TU-ILS Committee's previous observation concerning the predominance of inspections in small establishments and shops instead of factories because of the alleged informal relationships between factories and labour inspectors, the Government denies these allegations. It indicates that an Annual Performance Agreement (APA) that sets inspections targets is signed between MoLE and DIFE and includes the numbers of inspections in relation to factories, small and medium enterprises, shops and establishments. The Government also provides disaggregated figures of inspections carried out between July 2023 and June 2024 in relation to the type of establishment and indicates that DIFE inspectors use the Labour Inspection Management Application (LIMA) which makes it possible to verify the distribution of inspections. The Government further reiterates that any written allegation of corruption or undue exercise of power is investigated.

Concerning measures taken to further improve collaboration between officials of the labour inspectorate and employers and workers or their organizations, the Government refers to the provisions of the BLA which provide for the cooperation of inspectors with safety committees and for the cooperation with employers and workers or their organizations and to the framework of coordinated monitoring of building safety in the ready-made garment (RMG) sector established between the ready-made garment Sustainability Council (RSC) and DIFE. ***While taking note of this information, the Committee requests once again that the Government provide details of any instance in which inspectors were investigated for charges of being corruptly or politically influenced in the performance of their duties, and the results of any such investigations, including with regard to anonymous complaints submitted orally or in writing. The Committee also requests the Government to continue to take measures to further improve collaboration between officials of the labour inspectorate and employers and workers or their organizations, and to provide detailed information in this respect.***

Articles 10 and 11. Human and material resources of the labour inspectorate. In reply to the Committee's previous comment, the Government indicates that, as of June 2024, DIFE has 1,129 approved positions (993 in 2021), of which 724 are for inspectors (575 in 2021), and that currently 442 inspectors are employed (314 in 2021). The Committee notes the Government's indication that, in order to fill the 282 vacancies, requisitions for the recruitment of 153 inspectors were sent to the Bangladesh Public Service Commission and that the process for filling 101 vacant positions through promotion of labour inspectors is ongoing. ***While noting this information, the Committee also notes that the number of vacancies continues to constitute approximately 40 per cent of approved positions, and it requests the Government to strengthen its efforts to increase the number of labour inspectors through recruitment and promotion and to indicate the practical and legal challenges encountered in this process. The Committee requests the Government to continue to provide statistics on the number***

of labour inspectors in the DIFE, including the number of posts filled by recruitment of new labour inspectors and those filled by promotion.

Articles 12(1) and 15(c). Inspections without previous notice. Duty of confidentiality in relation to complaints. Following the Committee's previous comment, the Government indicates that DIFE conducted a total of 48,387 inspections in 2023–24, with 25,161 announced and 23,226 unannounced inspections. In the same period, a total of 5,797 inspections were carried out as a result of complaints, and of these, 5,550 were settled (96 per cent). The Government further indicates that during 2023–24 a total of 48,472 inspections were carried out by DIFE in sectors which fall outside the scope of BLA. The Government further indicates that there were 329,537 violations identified during unannounced inspections, 402,768 during announced inspections and 22,388 during inspections in relation to complaints. With regard to the nature of the violations identified, the Government indicates that they related to wages, retrenchments, the absence of an identification card and the lack of appointment letters as well as to issues in relation to leave and occupational safety and health, although it does not indicate the distribution of violations across these six categories. With regard to the methods used to submit anonymous complaints, the Government indicates that, in addition to the helpline, workers can submit complaints to DIFE through emails and letters. ***While noting this detailed information, the Committee requests the Government to continue to provide statistics on the number of inspection visits disaggregated between announced and unannounced inspections, with information on the number and nature of violations found in response to each category of inspection visit and also the number of violations found in each major category. The Committee requests the Government to continue to take measures to ensure the confidentiality of complaints, and to indicate how workers can maintain their anonymity when submitting complaints through the helpline or the LIMA system. The Committee also requests the Government to indicate the number of complaints submitted, the number of those investigated by the inspectors and the outcome of those investigations, including sanctions imposed. Lastly, the Committee requests the Government to indicate which sectors falling outside the scope of the BLA were subject of inspections by DIFE.***

Articles 17 and 18. Legal proceedings. Effectively enforced and sufficiently dissuasive penalties. In reply to its previous comment, the Committee notes the Government's indication that one additional legal officer joined the legal unit of the DIFE in December 2023. Therefore, this unit is now composed of two legal officers, one inspector with legal background and other administrative staff. With regard to the penalties for violations, the Government indicates that the ongoing review of the BLA may provide for an increase of penalties. The Committee notes that, following violations identified by inspectors in 2023–24, 1,386 cases were filed to the courts but that there is no information on the number and amount of fines imposed. The Government also indicates that, to clear the backlog of legal cases, since 2019 six new labour courts have been established. The Government adds that considering the proximity to the existing labour courts, the number of industries and number of pending cases, the previously proposed labour court in Faridpur was not established but that the creation of new labour courts in Mymensingh and Cox's Bazar are in progress. ***The Committee requests the Government to continue to pursue its efforts to fill the remaining 7 positions of legal officers in the legal unit of the DIFE. The Committee also requests the Government to provide information on the role of the legal unit of the DIFE in the application and enforcement of sanctions. The Committee urges once again the Government to take measures to ensure that penalties for labour law violations are sufficiently dissuasive and to clear the backlog of labour cases. The Committee further requests the Government to continue to provide statistics on the number of fines imposed, on the outcome of the judicial proceedings initiated by inspectors and the follow up of court decisions by inspectors. The Committee also requests the Government to provide information on any progress made in the establishment of new Labour Courts.***

The Committee is raising other matters in a request addressed directly to the Government.

Burundi

Labour Inspection Convention, 1947 (No. 81) (ratification: 1971)

Previous comment

The Committee notes the observations of the Trade Union Confederation of Burundi (COSYBU) and the Government's reply, received in 2018. The Committee also notes the observations made by the COSYBU received in 2022 and 2023.

Article 3 of the Convention. Duties of labour inspectors. Further to its previous comments in this regard, the Committee notes that the Labour Code, as revised in 2020, still contains provisions respecting the role of labour inspectors in resolving individual and collective labour disputes, including in section 477 and sections 485 to 489. Moreover, section 8 of Decree No. 100/014 of 18 January 2021 on the duties, organization and functioning of the General Labour and Social Security Inspectorate provides that the duties of labour inspection include the prevention and conciliation of individual and collective labour disputes between the social partners. The Committee further notes that, according to the COSYBU, there has been no positive change in the time devoted by inspectors to their functions in relation to the resolution of disputes and that labour inspectors do not discharge their duties as set out in *Article 3(1)* in an appropriate manner. ***Recalling that duties relating to the settlement of disputes are not included in the primary duties of labour inspectors, as set out in Article 3(1) of the Convention, the Committee requests the Government to indicate the time and resources devoted by labour inspectors to their primary duties, in proportion to those allocated to the resolution of disputes. In the absence of this information, the Committee once again requests the Government to take all the necessary measures to ensure that the duties of labour inspectors in relation to the resolution of disputes do not interfere with the performance of their primary duties.***

Article 5(b). Collaboration with employers and workers or their organizations. The COSYBU indicates in its observations that, with the exception of the agro-food sector, there is no framework for collaboration between the labour inspection services and employers' and workers' organizations. Nevertheless, the Committee notes the indication in the Government's report that the labour inspectorate is represented in tripartite bodies such as the National Labour Council and the National Social Dialogue Council. ***The Committee requests the Government to provide further information on how this collaboration is implemented in practice. It requests the Government to continue its efforts to strengthen collaboration frameworks between the labour inspection services and employers and workers or their organizations.***

Articles 6, 7 and 10. Recruitment and training of sufficient numbers of labour inspectors. Conditions of service of labour inspectors. Further to its previous comments, the Committee takes due note of the Government's indication that the number of labour inspectors has increased from 20 inspectors in 2018 to 33 in 2023. However, the Committee notes that, according to the Government, the numbers of inspectors are still insufficient. The Government adds that difficulties arise in the application of the Convention related to the scarcity of training and capacity-building for labour inspectors. The Committee notes that the COSYBU considers in its observations that labour inspectors do not receive appropriate training and that labour inspectors do not enjoy conditions of service that assure them of stability of employment and independence from any changes of government and from improper external influences. ***The Committee therefore requests the Government to take the necessary measures to remedy the difficulties identified in relation to the recruitment and training of labour inspectors. It requests the Government to continue providing information on the recruitment of sufficient numbers of labour inspectors and the measures adopted to facilitate their training, including the nature of any training envisaged, the number of participants and the duration of the training.***

Articles 10, 11 and 16. Material resources and inspection visits. Further to its previous comments on the lack of means of transport and material resources, the Committee notes the Government's

indication that it ensures the travel of inspectors and their material resources when they go to their workplace, but that the material and financial resources of the inspection services are still inadequate. The Government adds that there are not sufficient means of transport. The Committee further notes that COSYBU stands by its previous observations concerning the insufficiency of the material resources allocated to labour inspectors to inspect all the services and enterprises in the country and that it considers that inspection visits are rare. ***The Committee therefore requests the Government to continue taking all the measures at its disposal to ensure that labour inspectors have the necessary material resources and means of transport so that workplaces are inspected as often and as thoroughly as necessary, in accordance with Article 16 of the Convention. It requests the Government to provide further information on the measures adopted in this regard.***

Articles 17 and 18. Prompt legal proceedings without previous notice. Penalties. The Committee notes that, in accordance with section 423 of the Labour Code, where necessary, labour and social security inspectors can call on the forces of order for the discharge of their duties and are empowered to refer matters directly to the competent judicial authorities. However, section 434 of the Labour Code provides that physician labour inspectors do not have the power to issue violation notices or warnings. The Committee also notes the Government's indication that labour inspectors do not impose penalties in practice and tend instead to persuade employers to comply with their notices through follow-up visits. Moreover, the COSYBU considers in its observations that labour inspectors do not make sufficient use of their authority under *Article 17* of the Convention. ***The Committee requests the Government to take measures to ensure that, in accordance with Article 18 of the Convention, the penalties envisaged by the national legislation for the violation of legal provisions or for obstructing labour inspectors in the performance of their duties are applied effectively. The Committee also requests the Government to provide further information on the effect given in practice to section 423 of the Labour Code and to provide statistical data on the number of penalties imposed by labour inspectors in response to the violations identified.***

Articles 20 and 21. Annual labour inspection report. The Committee notes that, in accordance with section 432 of the Labour Code, the general labour and social security inspection authority publishes each year a general report on the work of the services under its authority. ***In the absence of such a report, the Committee reiterates its request to the Government to take the necessary measures to ensure that the central authority publishes an annual report on the work of the labour inspection services containing information on the matters set out in Article 21(a) to (g) of the Convention. It once again requests the Government to take the necessary measures for this report to be communicated to the ILO in the form and within the time limits set out in Article 20.***

Ghana

Labour Inspection Convention, 1947 (No. 81) (ratification: 1959)

Previous comment

Articles 10, 11 and 16 of the Convention. Human resources and material means of the labour inspectorate and coverage of workplaces. Following its previous comments on the challenges related to an insufficient number of inspectors and inadequate logistical support for inspections and enforcement, the Committee notes the indication in the report of the Government that there are currently 178 labour inspectors at the Labour Department (170 in 2022), for an ideal staff capacity of 604 inspectors. To increase the number of labour inspectors, the Government indicates that it has prompted the Office of the Head of Civil Service to post additional inspectors to the Labour Department. The Committee also welcomes the indications of the Government regarding the provision of 40 motorbikes and nine vehicles to the labour inspectorate to facilitate inspections, in addition to the system put in place to reimburse labour inspectors' transportation costs, with a view to facilitating inspections. The Committee also notes

that, according to the Statistical Reports of the Ministry of Employment and Labour Relations of 2022, the number of inspections conducted by the Department of Factories Inspectorate In the area of occupational safety and health has increased from 3,083 in 2021 to 3,479 in 2022. According to the same report, the Labour Department conducted a total number of 980 inspection visits in 2022, although the number of routine inspections decreased from 689 in 2021 to 447 in 2022. ***The Committee requests the Government to continue to take all the necessary measures to ensure that the number of labour inspectors is sufficient to secure the effective discharge of their duties, and to provide information on the measures taken to increase the number of labour inspectors. The Committee requests the Government to continue to provide statistics on the number of inspectors in each Department, the number of inspection visits conducted by them, and the material means put at their disposal for the effective discharge of their duties.***

Articles 17, 18 and 21(e). Enforcement of the legal provisions relating to the conditions of work and the protection of workers. The Committee notes the statistics provided by the Government in response to its previous comments regarding the penalties imposed for different violations detected. In the area of child labour, the Government reports 43 cases investigated, 19 resulting in prosecutions, out of which 4 have led to sentences, with fines ranging from 500 penalty units to 1,000 penalty units and a one-month sentence. In the area of wages and working time, the Government indicates that 3 out of 30 cases were successfully prosecuted, leading to fines ranging from 250 to 500 penalty units. Regarding any measures taken to revise the current penalties for labour law violations, the Government indicates that the Attorney-General has initiated a process to review and increase the pecuniary value of the penalty unit, as defined under Schedule 1 of the Fines (Penalty Units) Act, 2000. ***The Committee requests the Government to continue to provide information on the developments in this regard and to take all the necessary measures to ensure that the pecuniary value of penalties will remain dissuasive in the event of monetary inflation. The Committee also requests the Government to provide any available information on the reasons behind the relatively low number of successfully prosecuted cases, and to continue to provide statistics on the violations detected, their nature, and the number of prosecuted cases and their outcomes.***

The Committee is raising other matters in a request addressed directly to the Government.

Guatemala

Labour Inspection Convention, 1947 (No. 81) (ratification: 1952)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1994)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together in the same comment.

Article 3 of Convention No. 81 and Article 6 of Convention No. 129. Further duties entrusted to labour inspectors. Conciliation. With reference to its previous comment, the Committee notes that, although the Government has not provided information in its report on the time devoted by labour inspectors to conciliation activities, it does indicate that, in 2020 and 2022, in each departmental office of the General Labour Inspectorate (IGT), services were provided in two areas, one of which consists of inspectors dealing with complaints at the workplace (inspections) and the other involves dealing with complaints at headquarters concerning the payment of work-related benefits (conciliation). The Government also makes reference to the various measures adopted in 2023 to improve the management of the IGT, which include the adaptation of offices and the acquisition of furniture and equipment for use during conciliation procedures. Noting that labour inspectors are continuing to perform conciliation duties, the Committee recalls that the time that they devote to conciliation may interfere with the effective

performance of their primary duties, as set out in *Article 3(1)* of Convention No. 81 and *Article 6(1)* of Convention No. 129, particularly where the resources allocated to them are limited. ***The Committee requests the Government to take the necessary measures to ensure that any further duties entrusted to labour inspectors do not interfere with the performance of their principal duties of securing the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work. The Committee also requests the Government to: (i) provide information on the number of inspectors who are responsible for conciliation duties in each IGT departmental office; (ii) provide comparative information on the number of cases of conciliation and the number of inspections undertaken by inspectors each year; and (iii) indicate the time devoted by inspectors to conciliation activities, expressed as a percentage of the time that they devote to the performance of their inspection, prevention and verification duties, as indicated by the Government.***

Article 12(1)(a) of Convention No. 81 and Article 16(1)(a) of Convention No. 129. Power of labour inspectors to enter freely at any hour of the day or night any workplace liable to inspection. The Committee notes that, in reply to its previous comment, the Government reiterates that labour inspectors are authorized to enter any workplace during the working day and to remain for the time necessary for the performance of their duties. The Government adds that a tripartite legislative initiative is under discussion by the Labour Commission of the Congress of the Republic to amend, among other provisions, section 281(a) of the Labour Code with a view to empowering labour inspectors to enter any workplace liable to inspection freely and without previous notice, at any hour of the day or night. The Committee also notes that, according to the information provided by the Government in its latest report on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the legislative initiative was examined by the plenary of the Congress in April 2024 and the National Tripartite Commission on industrial Relations and Freedom of Association (CNTRLLS) last met with the Labour Commission of the Congress to push forward the initiative in June 2024. ***The Committee trusts that the current initiative will result in the amendment of section 281(a) of the Labour Code in order to guarantee that labour inspectors with proper credentials are empowered to enter at any hour of the day or night any workplace liable to inspection, in accordance with Article 12(1)(a) of Convention No. 81 and Article 16(1)(a) of Convention No. 129. The Committee also requests the Government to provide information on any progress achieved in the adoption of the legislative initiative, and on the number of inspections carried out by day and by night each year by each IGT departmental office.***

Article 12(2) of Convention No. 81 and Article 16(3) of Convention No. 129. Notification of the presence of inspectors unless such notification may be prejudicial to the performance of inspection duties. With reference to its previous comment, the Committee notes the Government's indication that, by Order No. IGT-3581-2024-SPJG, of 22 July 2024, the IGT has indicated that, when carrying out an inspection, labour inspectors shall notify the employer or her/his representative of their presence, unless the inspector considers that such notification may be prejudicial to the success of the inspection. ***Noting that the first subsection of section 281 of the Labour Code still provides, without any exceptions, for the obligation of labour inspectors to notify their presence through the accreditation of their identity and appointment, the Committee requests the Government to take the necessary measures to bring this provision into conformity with Article 12(2) of Convention No. 81 and Article 16(3) of Convention No. 129. The Committee also requests the Government to provide a copy of Order No. IGT-3581-2024-SPJG, of 22 July 2024, of the IGT.***

The Committee is raising other matters in a request addressed directly to the Government.

Guinea

Labour Inspection Convention, 1947 (No. 81) (ratification: 1959)

Previous comment

Follow-up to the recommendations of a tripartite committee (representation made under article 24 of the ILO Constitution)

The Committee notes that, in June 2023, the Governing Body approved the report of the tripartite committee set up to examine the representation submitted by the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) under article 24 of the Constitution of the International Labour Organization (GB.348/INS/5/3) concerning the application by Guinea of Convention No. 81, the Protection of Wages Convention, 1949 (No. 95) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Noting that the tripartite committee requested the Committee to follow up on its recommendations, which concern in particular the application of *Articles 3, 6, 10, 11* and *12* of the Convention, the Committee will examine these matters in its comments below.

Legislative developments. The Committee notes that the Labour Code is in the process of being revised. In this regard, it notes the Government's indication that, following the adoption of the new Code, a copy of the implementing text will be provided. ***The Committee requests the Government to provide information on any progress made with regard to the adoption of the new Labour Code and its implementing text.***

Articles 3 and 6 of the Convention. Additional duties of labour inspectors. Conditions of service. The Committee notes the adoption of Decree No. D/2022/0265/PRG/SGG in May 2022 on the responsibilities and organization of the General Labour Inspectorate, which provides for the structure and functions of the inspectorate. The Committee notes that, according to section 1 of the Decree, labour inspectors are still entrusted with additional duties such as organizing controls of the movement of foreign staff exercising an occupational activity in the national territory, examining the social balance sheet of enterprises and companies, and participating in the development and negotiation of agreements and collective agreements. The Committee also notes that, according to the tripartite committee, the Government has not done enough to determine whether labour inspectors are able to carry out their duties independently and impartially, in accordance with *Articles 3* and *6* of the Convention, or where necessary, rectify the situation to ensure compliance with those two Articles. ***Noting the absence of information in this regard and taking into account the conclusions of the tripartite committee, the Committee requests the Government to take the necessary measures, particularly with regard to the revision of the Labour Code, to ensure that: (i) any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers, in accordance with Article 3(2); and (ii) the conditions of service of labour inspectors make them independent of changes of government and of any improper external influences, in accordance with Article 6 of the Convention, particularly in the hotel sector.***

Article 7(3). Training of labour inspectors. Further to its previous comments, the Committee notes the Government's indication that measures are being taken to reform the labour inspection system, such as the forthcoming launch of a training course on labour inspection at the National School of Administration. The Committee also notes the Government's indication that a request was sent to the ILO for assistance with the training of inspectors and with the launch of the training course at the National School of Administration. ***Trusting that the technical assistance requested will be provided as soon as possible, the Committee once again requests the Government to continue its efforts to ensure that labour inspectors are adequately trained for the performance of their duties. The Committee also***

requests the Government to continue to provide information on the progress made with regard to the training course on labour inspection.

Articles 10 and 11. Labour inspection resources. ***In the absence of information in this regard and in the light of the conclusions of the tripartite committee, the Committee requests the Government to take the necessary measures to ensure that: (i) the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate, pursuant to Article 10 of the Convention; (ii) labour inspectors are provided with offices that are suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned, in accordance with Article 11(1)(a) of the Convention, and that they are provided with the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist, in accordance with Article 11(1)(b); and (iii) labour inspectors are reimbursed for any travelling and incidental expenses which may be necessary for the performance of their duties, in accordance with Article 11(2), particularly in the hotel sector. The Committee requests the Government to provide information on any progress made in this regard.***

Article 12. Powers of the labour inspectorate. The Committee notes that the tripartite committee requested the Government to provide information on the application in practice of *Article 12(1)(a)*, in the hotel sector. ***Noting the absence of information in this regard, the Committee requests the Government to provide information on the measures taken or envisaged to ensure, in practice, that labour inspectors provided with proper credentials are empowered to enter freely and without previous notice, at any hour of day or night, any workplace liable to inspection, particularly in the hotel sector, in accordance with Article 12(1)(a) of the Convention.***

Articles 20 and 21. Annual labour inspection report. Further to its previous comments, the Committee notes the Government's indication that measures are being taken to ensure the collection and the publication of the annual labour inspection report. The Committee also notes the table provided by the Government with limited information on certain violations and statistics on the number of accidents, including fatal accidents, for the period 2021–23. ***The Committee requests the Government to take the necessary measures to publish annual reports on the activities of the labour inspectorate and to transmit them to the ILO, in accordance with Article 20, and to ensure that they contain information on all the items listed in Article 21(a)–(g) of the Convention.***

The Committee reminds the Government of the possibility of availing itself of ILO technical assistance as part of the process of examining means of strengthening the labour inspection system.

Guyana

Labour Inspection Convention, 1947 (No. 81) (ratification: 1966)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1971)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection), and 129 (labour inspection in agriculture) together.

Articles 6 and 10 of Convention No. 81 and Articles 8 and 14 of Convention No. 129. Status and conditions of service of labour inspectors and number of labour inspectors. In response to its previous comment, the Committee notes the Government's indication that currently the Labour and OSH Departments have 31 positions for inspectors/officers, with no new recruitments or promotions since 2022. The Government indicates that labour officers, as public servants, may be appointed as either pensionable or non-pensionable/contract employees, with benefits varying based on these categories: pensionable employees are appointed through the Public Service Commission (PSC) and are entitled to

a pension upon retirement, while non-pensionable employees, appointed through the Public Service Ministry, receive gratuity payments at regular intervals over their contract period, which typically lasts between one and three years. The Government informs that labour officers, regardless of their appointment type, are placed on the G7 salary scale, which in 2023 ranged from a minimum of 127,963 Guyanese dollars (approximately US$612) to a maximum of 178,175 Guyanese dollars (approximately US$852). The Committee also notes the Government's indication that the National Insurance Scheme (NIS) inspectors and Guyana Revenue Authority (GRA) tax inspectors are appointed directly by their respective agencies, rather than through the Public Service Ministry or the PSC and, as a result, their benefits may differ, depending on the salary scales set by their respective boards. ***The Committee requests the Government to take the necessary measures in order to ensure a sufficient number of labour inspectors to secure the effective discharge of the duties of the inspectorate and to ensure that the conditions of service of labour inspectors are such that they are assured of stability of employment and are independent of changes of government and of improper external influences. The Committee requests the Government to continue providing information on the total number of labour inspectors, including details on any new recruitment and promotions of incumbent staff. The Committee further requests the Government to specify the number of officers currently assigned to the Labour Department and to the OSH Department, along with the number of existing vacancies in each department. It also requests the Government to provide more details on the salary scale and career stability of labour inspectors, specifically identifying the number of inspectors hired through the PSC and those hired through the Public Service Ministry. Finally, the Committee also requests the Government to provide a comparison between the employment conditions of labour inspectors and those of other similar categories of public officials appointed through the Public Service Ministry or the PSC.***

Articles 20 and 21 of Convention No. 81 and Articles 25, 26 and 27 of Convention No. 129. Annual labour inspection reports. In response to its previous comments, the Committee notes the Government's indication that it will make efforts to ensure that all future labour inspection reports are compiled and published. The Government also indicates that labour inspection reports are produced annually and circulated internally by the Labour Department as a tool for monitoring and evaluating progress, which in turn informs policy and decision-making. The Government reports that from 2022 onward, the Ministry of Labour conducted more than 9,000 labour inspections. ***The Committee once again requests the Government to pursue its effort to ensure that the labour inspection report is compiled and published in accordance with Article 20 of Convention No. 81 and Articles 25 and 26 of Convention No. 129 and that such report contains information on all the subjects listed in Article 21 of Convention No. 81 and Article 27 of Convention No. 129.***

The Committee is raising other matters in a request addressed directly to the Government.

Haiti

Labour Inspection Convention, 1947 (No. 81) (ratification : 1952)

Previous comment: observation

Previous comment: direct request

While acknowledging the difficult prevailing situation in the country, the Committee notes with ***deep concern*** that the Government's report, due since 2021, has not been received. The Committee notes the observations of the Confederation of Public and Private Sector Workers (CTSP), received on 30 August 2023, and the joint observations of the Confederation of Haitian Workers (CTH) and the CTSP, received on 2 November 2022.

The Committee notes with ***concern*** that these observations highlight a deterioration of the labour inspection situation in the country, and indicate that the political, social and security crisis has worsened

working conditions, limiting inspections, above all outside Port-au-Prince. The CTSP indicates that the Government has not yet adopted specific regulations for labour inspectors, who live in increasing precarity. It also expresses its concern regarding the increase in cases of abuse of women working at night in bars and restaurants, who are exploited, with some of them reduced to a state of sexual slavery. In this regard, the organization indicates that the Government has never monitored the working conditions of these women, as the labour inspection does not operate at night. In their joint observations, the CTH and CTSP emphasize that the recruitment of inspectors is still undertaken without a competition, in breach of the rules governing the Haitian public service, and that certain employers exercise a growing influence over the labour inspection. ***The Committee requests the Government to communicate its comments on these matters.***

Noting the extent of the crisis engulfing the country at all levels, the Committee can only refer to its previous observations and direct request formulated in 2020 and expresses the hope that the Government will be in a position to provide its comments on all questions raised in the near future.

Honduras

Labour Inspection Convention, 1947 (No. 81) (ratification: 1983)

Previous comment

Article 6 of the Convention. Adequate conditions of service of labour inspectors, including sufficient remuneration to ensure their impartiality and independence from any improper external influences. In reply to the request for information on complaints received against labour inspectors, the Government indicates in its report that the Technical Inspection Audit (ATI) dealt with a total of 36 complaints between 2020 and 2022, and that in 2023, 32 investigations were conducted. In 2023, the alleged violations included: (i) 15 cases of violation of article 321 of the Constitution (acts beyond the legal remit of public officials); (ii) ten cases of violations of section 3(10) of the Labour Inspection Act (LIT) (failure to comply with obligations or negligence in the performance of duties); (iii) three cases of lack of impartiality, under section 3(4) of the LIT (relating to cost-free labour proceedings); (v) one case of failure to establish an inspection report, under section 12(4) of the LIT; (vi) one case of failure to respect the principle of equity, under section 3(5) of the LIT; and (vii) one case related to problems with fact reporting, in violation of section 21 of the LIT regulatory text. The Government indicates that, of the 32 investigations conducted, 21 resulted in reports containing recommendations, nine in reports without recommendations and two in dismissals of the original complaints. The Government explains that reports containing recommendations – made in accordance with the regulations applicable to public officials – are issued when contraventions are found during an investigation; reports without recommendations are issued when no contraventions are found during examination of the evidence; and dismissed complaints are those lacking in legal grounds, logical justification or a connection with the facts being investigated (section 10(3) of the LIT regulatory text).

With regard to progress in the functioning of the ATI, the Committee notes the advances reported by the Government, including: (i) the development of the ATI Organization and Procedures Manual, aimed at modernizing and ensuring transparency and efficiency of its functions; (ii) the establishment of the ATI system, designed to facilitate complaint management and audit planning; (iii) the development of asynchronous learning for ATI auditors and ATI leadership, to improve their performance in accordance with the Organization and Procedures Manual; and (iv) the implementation of standardized formats for conducting audits, aimed at their simplification and inclusion of all necessary details.

With regard to labour inspectors' wages, the Committee notes the information provided by the Government, indicating that in 2024 a salary adjustment process was carried out to establish a fairer and more equitable base salary, in line with the Manual on Positions and Wages of the Public

Administration. ***Noting the high number of complaints received against labour inspectors compared to the number of inspectors (32 complaints in 2023 for a staff of 126 inspectors), the Committee requests the Government to continue to provide information disaggregated by year on the number of complaints received against labour inspectors, indicating the causes of such complaints, the number of investigations effectively carried out and the consequences in terms of disciplinary penalties or other measures adopted in cases where the ATI finds inspectors to be at fault or negligent, in accordance with the LIT regulatory text. The Committee also requests the Government to take the necessary measures to ensure an appropriate level of remuneration for labour inspectors, including in cases where inspectors are in particularly difficult working conditions or are at a significant geographical distance from their workplace. The Committee requests the Government to continue to provide information on the progress made in this respect, including with the wage-levelling process. The Committee also once again requests the Government to provide wage figures for each of the levels of labour inspectors (levels I, II, and III), relative to the wage levels of public officials carrying out similar duties.***

Articles 10 and 16. Number of labour inspectors and the performance of a sufficient number of regular visits throughout the country. In response to its previous request, the Committee notes with ***concern*** that the Government indicates that it currently has a total of 126 labour inspectors at the national level, which is a reduction compared to the 169 inspectors reported in 2021. The Government indicates that there is currently a shortfall of 134 additional inspectors needed to meet the demands of inspection and that a proposal to obtain the necessary budget to fulfil this demand has been submitted to higher authorities. ***The Committee requests the Government to take the necessary measures to recruit new labour inspectors, to ensure that the number of inspectors is sufficient to guarantee the effective performance of the duties of the inspection services, and to continue to provide information on the number of inspectors actually working and their geographic distribution. With regard to its comment on the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and while noting the technical assistance being provided by the Office, the Committee requests the Government to take the necessary measures to strengthen labour inspection to ensure the effective application of the legal provisions on the working conditions of Miskito divers.***

With regard to inspections carried out at the national level, the Committee notes the Government's indication that, in 2021, 1,498 regular inspections and 12,131 unscheduled inspections were conducted; in 2022, 1,989 regular inspections and 16,116 unscheduled inspections were conducted; in 2023, 1,791 regular inspections and 15,287 unscheduled inspections were conducted; and from January to April 2024, there were 519 regular inspections and 4,324 unscheduled inspections. ***While noting that the number of unscheduled inspections (those further to a complaint) remains much higher than the number of regular inspections (those scheduled), the Committee requests the Government to take the necessary measures to ensure that the workplaces are inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions. In this respect, the Committee requests the Government to: (i) provide information on the measures taken to ensure that the inspection strategy and the annual operating plan are focused on sectors in which labour law violations are often found, including the informal economy; and (ii) continue to provide detailed information on the number of regular and unscheduled inspections conducted and provide information on inspections conducted in the informal economy.***

Article 12(1)(a). Scope of labour inspectors' free access to workplaces liable to inspection. The Committee notes the information provided by the Government that through the inspection programmes, inspections in workplaces are conducted without previous notice and decisions are issued to empower the labour inspector to access and enter the premises to conduct the inspection during non-working hours and days. With regard to the provision under section 39 of the LIT, the Government indicates that this provision should not be narrowly interpreted, as section 40 of this same Act entitles the labour authority to order extraordinary inspections at any time, including on non-working hours

and days. The Committee highlights, however, that *Article 12(1)* of the Convention guarantees that labour inspectors shall enter freely and without previous notice at any hour of the day or night any workplace liable to inspection and that any further requirement, such as the need for decisions to enable inspections outside of the usual hours, may hamper the efficacy of the inspection system. ***Therefore, the Committee once again requests the Government to take the necessary measures to ensure that labour inspectors may enter freely and without previous notice, at any hour of the day or night, any workplace liable to inspection, as provided for in Article 12(1)(a) of the Convention.***

Article 12(1)(c)(i). Scope of interviews as an investigation method. The Committee notes the information provided by the Government on the measures taken to amend section 49 of the LIT. In particular, the Committee notes the efforts made by the Labour and Social Security Secretariat to begin amendments to the Procedural Operating Manual for the General Labour Inspectorate (DGIT), which include expanding the questionnaires for employers and workers, aimed at giving labour inspectors a clearer picture of labour compliance in enterprises. The Committee notes that section 49 of the LIT continues to provide that, during inspections, the labour inspector must interview the workers and employers or their representatives separately, and the questions must refer only to the matter being inspected in order not to influence the interviewees' answers. ***In this respect, the Committee once again urges the Government to take the necessary measures to amend this section of the Act to ensure conformity of the national legislation with the provisions in Article 12(1)(c) of the Convention. The Committee also requests the Government to provide more detailed information on the measures adopted to amend the Procedural Operating Manual for the DGIT and on the impact of such amendments on the application of this Article of the Convention.***

Article 13. Preventive functions of labour inspection. In response to its previous comment, the Committee notes the information provided by the Government indicating that during 2023 and 2024, the DGIT did not order immediate corrective measures for the prevention and elimination of risks. However, the Government reports that in 2024 an inspection was carried out in an enterprise in which corrective measures had been ordered to mitigate risks, and that a second enterprise is being investigated to monitor compliance with labour standards and determine whether there are occupational safety and health risks. The Committee notes that section 12(9) of the LIT continues to set out a requirement of a prior expert opinion before labour inspectors order occupational safety and health measures. ***The Committee requests the Government to take the necessary measures to amend section 12(9) of the LIT in order to guarantee that labour inspectors effectively use their powers to order measures of immediate application in order to eliminate imminent risks to workers' safety and health.***

Article 15(c). Confidentiality of the source of complaints. In response to its previous comment, the Committee notes the information provided by the Government that complaints which may endanger workers' job security are treated anonymously to ensure their protection. The Committee once again recalls, however, that the legislation in force (sections 40(2), 45, 49 and 53 of the LIT) still does not consider as absolutely confidential either the source of any complaint or the fact that a visit of inspection was made in consequence of the receipt of such a complaint. ***The Committee once again requests the Government to ensure that labour inspectors treat as absolutely confidential the source of any complaint and give no intimation to the employer or his or her representative that a visit of inspection was made in consequence of the receipt of such a complaint. The Committee requests the Government to provide information on the measures taken in this respect, including amendments to sections 40(2), 45, 49 and 53 of the LIT.***

The Committee is raising other matters in a request addressed directly to the Government.

Indonesia

Labour Inspection Convention, 1947 (No. 81) (ratification: 2004)

Previous comment

Articles 1, 4, 10 and 11 of the Convention. Impact of decentralization on the effective functioning of the labour inspection system. Number of labour inspectors and material means placed at their disposal. The Committee notes the Government's recognition in its report that the number of labour inspectors remains below the ideal level and that, as of December 2023, there were 1,467 labour inspectors (989 male and 478 female). The Committee notes that this represents a continuing decrease in comparison to the 1,694 inspectors in 2020 and the 1,927 inspectors in 2016. The Committee also notes the concluding observations of the Committee on Economic, Social and Cultural Rights (CESCR) on the second periodic report of Indonesia, adopted in March 2024 in which the CESCR expressed its concern about the limited capacity and resources to conduct labour inspections with sufficient coverage and frequency (E/C.12/IDN/CO/2, paragraph 36). While recognizing the Government's efforts to increase the number of inspectors, including through recruitment and training, the Committee wishes to emphasize that the effectiveness of labour inspection largely depends on the Government's commitment and ability to attract and retain a sufficient number of qualified and motivated staff (see also the 2006 General Survey on labour inspection, paragraph 173). The Committee notes the Government's indications regarding actions taken to follow up the 2020 recommendations of the Labour Inspection Committee towards the acceleration of labour inspection reform and centralized implementation of labour inspection, including focus group discussions, workshops, stakeholder consultations, studies and interactive dialogues. However, the Committee notes the absence of information on concrete longer-term measures to improve the conditions of work of labour inspectors, and information regarding the allocation of resources to labour inspection officers by the provincial and city/district levels of government. ***The Committee urges the Government to take the necessary measures to ensure that labour inspectors are appointed in sufficient numbers, in accordance with Article 10 of the Convention, and to provide information in this regard. The Committee requests the Government to continue to provide information on the number of labour inspectors, including the number of vacant positions, and to indicate the measures taken or envisaged to improve the conditions of service of labour inspectors. Lastly, the Committee once again requests the Government to provide information on the allocation of resources to labour inspection officers at the provincial and city/district levels of government.***

The Committee is raising other matters in a request addressed directly to the Government.

Italy

Labour Inspection Convention, 1947 (No. 81) (ratification: 1952)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1981)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

The Committee notes the observations of the Italian General Confederation of Labour (CGIL) and of the Italian Union of Labour (UIL) received on 14 November 2024 and the Government's reply thereto.

Article 5(b) of Convention No. 81 and Article 13 of Convention No. 129. Collaboration with employers and workers organizations. The Committee welcomes the Government's indication in its report that a third meeting of the tripartite technical roundtable mandated to analyse the issues raised by the

Conference Committee on the Application of Standards (Conference Committee) was held in November 2024. The Committee notes that in its observations the CGIL indicates that, despite the existence of the technical roundtable, recent legislative changes such as the legislative Decree No. 103 of 12 July 2024, which aims at simplifying the control on business activities, were adopted without consultations with trade unions. ***The Committee expects that tangible results will be achieved and requests the Government to provide details on the content and outcomes of those meetings, and on the consultations held with social partners within the technical roundtable.***

The Government indicates that, with regard to the tripartite mechanism of consultation for the planning and implementation of inspection strategies, the legislative Decree No. 124 of 2004 provides that the Central Commission for the Coordination of Inspection Activities shall be nominated with a decree of the Ministry of Labour and Social Policies and be composed, among others, of the National Labour Inspectorate (INL), the National Social Security Institute (INPS), the Italian Workers' Compensation Authority (INAIL) and an equal number of employers and workers representatives. ***The Committee requests the Government to provide information on the activities of the Central Commission for the Coordination of Inspection Activities, including frequency and outcomes of its meetings.***

Article 3(1) and (2) of Convention No. 81 and Article 6(1) and (3) of Convention No. 129. Additional functions entrusted to labour inspectors in relation to immigration. Data on foreign workers without a residence permit and actions undertaken by labour inspectors. In reply to the Committee's previous comment, the Government indicates that in 2023, the INL identified 970 non-EU migrant workers without regular residence permit (1,206 in 2022). The Government also indicates that: (i) the labour inspectors ensure the compilation of a form, translated into six languages, which provides the foreign worker with information concerning the recovery of wages and social security contributions; (ii) labour inspectors are supported by cultural mediators from the International Organization for Migrations (IOM); and (iii) as of 31 December 2023, IOM assisted 930 migrant workers and 161 obtained or are in the process of obtaining residence permits as victims of labour exploitation. In their observations, the CGIL and the UIL acknowledge that collaboration with the IOM may support inspectors in identifying victims of labour exploitation. However, they caution that this approach risks delegating inspection tasks to the IOM, which cannot ensure the independence, impartiality and confidentiality fundamental to inspectors' responsibilities. The CGIL and the UIL emphasize that priority should instead be placed on strengthening the staff and resources of the INL. ***The Committee requests that the Government respond to these concerns, including providing details on the nature of its collaboration with the IOM and the responsibilities delegated to or shared with this United Nations organization. The Committee further requests the Government to indicate the measures adopted in order to ensure that the independence of labour inspection is preserved.***

The Committee also notes the Government's information on the outcomes achieved by the inspection task force established under the "A.L.T. Caporalato D.U.E." initiative, particularly concerning agricultural inspections targeting the crime of gang mastering and labour exploitation. The Government indicates that this project will run until mid-2025. In relation to the Committee's previous comment regarding the time and resources of the labour inspectorate that are allocated to the task of verifying the legality of the immigration status in practice as a proportion of inspectors' overall time and resources, the Government indicates that inspectors implement the entire control plan of the inspectorate, and it is not possible to distinguish the resources used by the INL according to the type of control, the nationality of the workers or the violations of which they are victims. In its observations, the UIL emphasizes that inspection activities should prioritize not only imposing sanctions on employers but also ensuring the recovery of workers' wages, an aspect it notes is currently lacking. The Committee further notes the Government's reference in its reply to the adoption of Decree-Law No. 145 of October 2024, which strengthens protections for foreign workers without residence permits who are victims of labour exploitation by easing the requirements for obtaining a special residence permit. The

Government indicates that, by expanding opportunities for irregular migrant workers to regularize their status, the decree also aims at ensuring better access to protections mechanisms foreseen in the legislation. In its observations, the UIL welcomes these measures and notes that, if converted into law, the decree will partially address the negative effects of the continued criminalization of illegal immigration, particularly its deterrent impact on the willingness of irregular migrant workers to cooperate with labour inspectors. ***While noting this information, the Committee requests that the Government continue to provide information on the number of undocumented foreign workers identified by labour inspectors, as well as on the INL's efforts to prevent and combat gang mastering and labour exploitation. In addition, the Committee requests the Government to continue to adopt the necessary measures in order to ensure that the actions of labour inspectors are aimed at the enforcement of legal provisions protecting foreign workers and their conditions of work following their detection without a residence permit, taking into account the impact on undocumented foreign workers of the law criminalizing illegal immigration. The Committee requests the Government to continue to provide information on all concrete actions adopted in this respect, including with particular regard to the agricultural sector.***

Data on recovery of wages and social security credits for migrant workers in an irregular situation. The Committee notes the Government's indication that the INL is still working on updating and strengthening its internal procedures with the aim of improving collection of data related to the recovery of wages and social security credits specific to foreign workers without a residence permit. According to the Government, these changes to the INL's information system, which will take place in the coming months, will allow the acquisition of statistics related to the credits recovered through the existing legal procedure such as the monocratic conciliation and the certified notice of findings in relation to foreign workers without a residence permit. In this regard, the Committee notes that in its observation the CGIL indicates that according to a ministerial circular of 2008, migrant workers without residence permits cannot access the procedures for the recovery of wages. With regard to data collection, the CGIL also highlights that the unification and interoperability of databases held by public bodies responsible for labour supervision is the only effective solution to improving the guidance and coordination of labour inspection activities. In its reply, the Government notes that during the third meeting of the technical roundtable, the implementation of the databases was extensively discussed, covering both the expansion and disaggregation of the data to be collected, as well as the interconnection of existing systems. In this context, the INL provided information on the work done to create the National Undeclared Work Portal, established by Decree-Law No. 36 of 30 April 2022. ***The Committee requests the Government to indicate whether migrant workers without residence permits have access to the proceedings of monocratic conciliation and certified notice of findings and to provide information on the application of the ministerial circular of 2008 in this respect. The Committee further requests that the Government continue to adopt and vigorously implement concrete measures to ensure the recovery of wages and social security credits of foreign workers without a residence permit identified by labour inspectors in the course of their duties. Finally, the Committee requests the Government to provide information on the progress achieved in the updating the INLs information system with regard to the collection of data on the recovery of those credits specific to foreign workers without a residence permit.***

The Committee is raising other matters in a request addressed directly to the Government.

Japan

Labour Inspection Convention, 1947 (No. 81) (ratification: 1953)

Previous comment

The Committee notes the observations of the Japanese Trade Union Confederation (JTUC-RENGO) and the Japan Business Federation (NIPPON KEIDANREN), communicated with the Government's report.

Articles 3(1)(b), 13, 17 and 18 of the Convention. Preventive measures for workers engaged in decommissioning work and decontamination work with radioactive materials. Following its previous comments on this matter, the Committee notes the information provided in the report of the Government regarding the Fukushima Labour Bureau's inspection activities in relation to business operators engaged in decommissioning and decontamination works. Regarding the reasons behind the overall decrease in the number of inspections between 2015 to 2019, the Committee takes due note of the Government's indication that, by March 2018, decontamination work had been completed in all municipalities of areas designated as "special decontamination areas" and "intensive contamination survey areas", except for the zones that are classified as "difficult-to-return zones" where radiation levels are particularly high. The Committee also notes that, from the statistics provided regarding employers engaged in decommissioning works, the percentage of inspected employers with recorded violations decreased between 2020 and 2022, from 123 out of 277 employers inspected in 2020 (44 per cent), to 137 out of 340 employers inspected in 2021 (40 per cent) and 67 out of 293 employers inspected in 2022 (23 per cent). Regarding decontamination works, the Government indicates that 129 out of 291 inspected employers were found to have committed violations in 2020 (44 per cent), while 96 out of 256 inspected employers (38 per cent) and 70 out of 187 inspected employers (37 per cent) were found in 2021 and 2022, respectively. The statistics also indicate that the majority of recorded violations relate to provisions of the Labour Standards Act. However, the Government also refers to OSH violations, such as the failure to conduct a preliminary survey of the decontamination site, in accordance with section 7 of the Ordinance on the Prevention of Ionizing Radiation Hazards at Works to Decontaminate Soil and Waste Contaminated by Radioactive Materials Resulting from the Great East Japan Earthquake and Related Works.

The Government refers to inspections and the provision of various forms of guidance as the main measures taken to ensure compliance with applicable labour standards and to address the causes of violations. The Committee nevertheless observes that there is an absence of information on the outcome of the 5 cases related to decommissioning work and the 17 cases relating to decontamination work referred to the Public Prosecutor's Office, including on any penalties assessed and enforced. The Committee recalls that, according to *Article 18* of the Convention, adequate penalties for violations of the legal provisions enforceable by labour inspectors shall be effectively enforced. ***The Committee requests the Government to pursue its efforts to secure the enforcement of the relevant legal provisions with respect to business operators still engaged in decommissioning and decontamination works. The Committee also requests the Government to continue to provide information on the number of active business operators engaged in decommissioning and decontamination works, the number of inspections conducted in this area, the number of violations detected and the legal provisions they relate to, as well as the corrective measures applied. Finally, the Committee once again requests the Government to provide information on any cases referred to the Public Prosecutor's Office that have led to the application of sanctions.***

Articles 10 and 16. Sufficient number of labour inspectors. Following its previous comments on the measures taken to ensure a sufficient number of labour inspectors, the Committee welcomes the Government's indication that the number of labour inspectors has increased by 94 between March 2021 and March 2024, noting the Government's indication of a total of 3,112 labour standards inspectors as of March 2024, compared to 3,018 labour standards inspectors in March 2021. The Committee further

notes that out of 210 labour inspectors appointed in 2023, 81 were women. The Government indicates that there are 84 mine inspectors as of March 2023. In addition, the 2022 Annual Labour Standards Inspection Report indicates that the labour inspectorate has made a total of 171,528 on-site inspections in 2022, which consisted of 142,611 periodic and other inspections, 16,639 inspections in response to complaints, and 12,278 follow-up inspections. This also represents an increase of 15.5 per cent compared to the total of 149,379 on-site inspections recorded in the 2021 Annual Labour Standards Inspection Report. The Committee notes that according to the JTUC-RENGO, it is still necessary to increase the number of labour standards inspectors, in order to upgrade the labour inspection's office system, and also to strengthen cooperation between the inspection departments, the safety and health departments, and the industrial accident departments. The NIPPON KEIDANREN also takes the view that the labour Inspection system should make use of information and communication technology tools to further increase its efficiency and to reduce costs. ***The Committee requests the Government to pursue its efforts to ensure that the number of labour inspectors is sufficient to secure the effective discharge of their duties, and to continue to provide up-to-date statistics on the total number of labour inspectors, disaggregated by prefecture and gender. The Committee further requests the Government to indicate any measures taken or envisaged to strengthen the material means at the disposal of the labour inspectors, including any technological or other tools provided to assist them in the performance of their duties.***

Article 18. Safety of labour inspectors. Obstruction in the performance of their duties. Following its previous comment, which referred to the observations of the National Confederation of Trade Unions on the physical violence or intimidation experienced by labour inspectors, the Committee notes the Government's indication that inspections are conducted by a team of labour inspectors when doing so may be necessary to ensure their safety, based on past inspections and guidance. The Government also indicates that managers have been directed to increase coordination with local police stations and enable a swift intervention by the police when labour inspectors are obstructed in the performance of their duties. The Government further indicates that labour inspectors are instructed to: (i) promptly return to their office if they feel that it is difficult to carry out their duties due to a threatening situation; and (ii) consult with or file a report to the police station if they have been subjected to an act of violence during the execution of duties. The Committee notes the Government's indication that assault and threat of public service employees, including labour inspectors, in the execution of their duties is punishable under section 95 of the Penal Code (Act No. 45 of 1907), which stipulates imprisonment or detention for up to three years, or a fine of up to 500,000 yen. Further, refusing, impeding or evading labour inspections can be subject to a fine of up to 300,000 yen under section 120-4 of the Labour Standards Act (Act No. 49 of 1947). The Committee recalls that in order for the system of inspection to be consistent with its objectives, it is essential for the penalties imposed on persons guilty of violations of any kind to be effectively enforced, in conformity with the Convention (see the 2006 General Survey on labour inspection, paragraph 303). ***The Committee requests the Government to continue to take the necessary measures to ensure that, in accordance with Article 18, adequate penalties are effectively enforced when labour inspectors are obstructed in the performance of their duties. The Committee requests the Government to provide statistics on the application in practice of the above-mentioned penalties under the Penal Code, in cases where labour inspectors have been obstructed or intimidated in the performance of their duties.***

The Committee is raising other matters in a request addressed directly to the Government.

Kazakhstan

Labour Inspection Convention, 1947 (No. 81) (ratification: 2001)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 2001)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

The Committee notes the observations of the International Organisation of Employers (IOE) dated 1 September 2024, on Conventions Nos 81 and 129. The Committee also notes the observations on both Conventions of the International Trade Union Confederation (ITUC), received on 17 September 2024, and the Government's reply thereto. Finally, the Committee notes the observations of the Trade Union of Workers in the Fuel and Energy Complex (TUWFEC) on both Conventions received on 3 September 2024.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the 2024 conclusions of the Committee on the Application of Standards (Conference Committee) on the application of Conventions Nos 81 and 129 by Kazakhstan, which urged the Government to take effective and time-bound measures to:

- recruit a sufficient number of labour inspectors and provide them with sufficient material, financial and operational resources in order to ensure the proper functioning of the labour inspectorate;
- strengthen the role of labour inspection by transferring them to the subordination of the central executive body as recommended by ILO experts in 2018;
- ensure that labour inspectors can carry out labour inspections as often and as carefully as is necessary to ensure the effective application of legal provisions, in line with the Conventions;
- amend sections 144(3) and (4), 156 (2), 144(13), 144–1, 144–2, 145, 146, 143(3) and 151 of the Entrepreneur Code in order to ensure that labour inspectors are empowered to make visits to workplaces without previous notice, and to carry out any examination, test or enquiry which they may consider necessary;
- indicate whether inspectors are now empowered to undertake inspection visits at any time of the day and night following the repealing of section 197 of the Labour Code and section 147(2) of the Entrepreneur Code, in line with the Conventions;
- amend section 141 of the Entrepreneur Code in order to ensure that labour inspectors are able to undertake labour inspections as is necessary to ensure the effective application in line with the Conventions;
- revise section 50(12) of the Law on Civil Service and sections 151 and 156 of the Entrepreneur Code in order to ensure that investigations carried out by labour inspectors are not limited in scope or invalidated, and that no penalties are imposed on labour inspectors authorized by law;
- amend sections 136, 144-1 and 144-2 of the Entrepreneur Code to ensure that labour inspectors are empowered to take measures with immediate executory force and are able to initiate legal proceedings without previous warning, where required;
- ensure that labour inspectors do not encounter undue obstruction while performing their duties, including by amending section 12 of the Entrepreneur Code; and

- ensure the establishment and publication of an annual report on the work of the inspection services containing all the subjects listed under *Article 21* of Convention No. 81 and *Article 27* of Convention No. 129 and to transmit it to the ILO.

The Committee notes that in its observations, the IOE expresses its hopes that progress will be made in the application of Conventions Nos 81 and 129 in line with the conclusions of the Conference Committee and in close consultations with the most representative employer organizations in Kazakhstan.

Articles 12 and 16 of Convention No. 81 and Articles 16 and 21 of Convention No. 129. Limitations and restrictions of labour inspections. Powers of labour inspectors. 1. *Moratorium on labour inspections.* The Committee notes with ***interest*** that, as indicated by the Government during the discussion at the Conference Committee, the moratorium on inspections ended on 1 January 2024. While taking note of these developments, the Committee notes with ***concern*** that section 144(12) of the Entrepreneur Code retains the provision stipulating the possibility to suspend with a Government decision the state control and supervision over private business entities for a certain period of time. ***The Committee expects that no moratorium will be placed on labour inspection in the future, and In this respect, it requests the Government to take the necessary measures to amend section 144(12) of the Entrepreneur Code.***

2. *Other restrictions on inspection powers.* The Committee notes with ***deep concern*** that the Entrepreneur Code still contains limitations to inspection powers, including with regard to: (i) the ability of labour inspectors to undertake inspection visits without previous notice (sections 144(3) and (4) and 156 (2)); (ii) the free initiative of labour inspectors (sections 144 (5) and (13), 144–1, 144–2, 145, and 146); and (iii) the ability of labour inspectors to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed (sections 143(3) and 151). The Committee further notes that the Order No. 162 of 25 December 2020 on the implementation of section 146(2) of the Entrepreneur Code, provides for the prior registration of inspections with the Public Prosecutor's office, who has the power to refuse such registration. In its observations the ITUC indicates that the main obstacle to the proper functioning of the labour inspectorate is the actual absence of unscheduled visits by the labour inspectorate, as the legislation requires labour inspectors to register scheduled inspections 30 days in advance and unscheduled inspections 24 hours in advance with the prosecutor, who has the right to refuse registration. In addition, during scheduled inspections, the inspector is limited to the number of questions included in the checklists. In its reply the Government indicates that unscheduled inspections can be undertaken under specific circumstances indicated in the Entrepreneur Code and that during the inspection, the labour inspector is guided by a checklist, which actually covers all the requirements of labour legislation. ***With reference to its 2019 general observation on the labour inspection Conventions, the Committee once again urges the Government to take the necessary legislative measures to ensure that labour inspectors are empowered to make visits to workplaces without previous notice, and to carry out any examination, test or enquiry which they may consider necessary, in conformity with Article 12(1)(a) and (c) of Convention No. 81 and Article 16(1)(a) and (c) of Convention No. 129. Noting the absence of information in this respect, the Committee requests the Government to indicate whether inspectors are empowered to undertake inspection visits at any time of the day and night, as provided for in Article 12(1)(a) of Convention No. 81 and Article 16(1)(a) of Convention No. 129. The Committee further requests the Government to indicate the number and nature of cases in which the Prosecutor's office has refused the registration of inspections.***

3. *Frequency of labour inspections.* The Committee notes with ***concern*** that section 141 of the Entrepreneur Code still provides that the frequency of inspections shall be no more than once a year for entities classified as high-risk, no more than once every two years for those of medium risk and no more than once every three years for those of low-risk. The Committee also notes the Government's indication in its report that as of 1 August 2024, 4,245 inspections had been conducted, which represents

an increase of 7.8 per cent in comparison to 2023. It its observations, the ITUC indicates that restrictions on the frequency and types of labour inspections are still in force. Under the current legislation, the frequency of scheduled inspections depends on the risk category assigned to employers and, as a consequence, there is no set frequency of inspections for low-risk employers who are therefore not subject to scheduled monitoring and inspection activities. The procedure for assessing the risk category assigned to an employer depends, among other criteria, on the number of employees: the higher the number of employees, the higher the probability of increasing the risk category. This reduces the likelihood of inspections of small and medium-sized enterprises, which have a significant risk of abuse by employers. In its reply, the Government: (i) refers to the possibility of labour inspectors to conduct unscheduled inspections in the cases set out in the Entrepreneur Code and indicates that the legislation does not limit the number of unscheduled inspections; and (ii) indicates that the basis for the appointment of preventive control and supervision with a visit to the subject of control is a semi-annual list of preventive control. In accordance with paragraph 6 of the criteria for assessing the degree of risk for compliance with labour legislation of the Republic of Kazakhstan, the frequency of preventive control with a visit to the subject of control is determined by the control bodies in respect of control subjects classified as high and medium risk, not more than twice a year. The Committee recalls that in its 2019 general observation on the labour inspection Conventions it emphasized that a risk-based approach to labour inspection planning is perfectly compatible with Conventions Nos 81 and 129 but that limiting by law the possible frequency of inspections raises issues of conformity with *Article 16* of Convention No. 81 and *Article 21* of Convention No. 129. ***Therefore***, ***the Committee once again urges the Government to take the necessary measures to revise the Entrepreneur Code, to ensure that labour inspectors are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of relevant legal provisions. In addition, the Committee once again requests that the Government take the necessary measures to ensure that risk assessment criteria do not limit the powers of labour inspectors or the undertaking of labour inspections. The Committee also requests the Government to continue to provide information on inspections in practice, indicating the total number of workplaces liable to inspection, the number of scheduled and unscheduled inspections, specifying on-site inspection and inspection without a visit to the workplace, as well as the number of inspections conducted in response to a complaint, and the results of all such inspections.***

Article 6 of Convention No. 81 and Article 8 of Convention No.129. Disciplinary sanctions. The Committee notes that according to the written information submitted to the Conference Committee by the Government in May 2024, since the beginning of 2023, there have been no disciplinary cases against labour inspectors under section 50(12) of the Law on Civil Service. While taking note of this information, the Committee notes with ***concern*** that this provision of the Law still provides that the violation of the requirement to conduct inspections in accordance with the elements included in the inspection checklist (section 151(1) of the Entrepreneur Code) and the violation of the requirement of prior notification of inspections (section 156(2) of the Entrepreneur Code) are considered as gross violations by labour inspectors which result in disciplinary offenses. In its observations, the ITUC indicates that any labour inspector who takes initiative beyond the provisions of the law is liable to disciplinary action and inspections carried out without prior warning and without observing the prescribed notice period are considered invalid. ***Therefore, the Committee urges the Government to take the necessary measure to revise sections 50(12) of the Law on Civil Service and sections 151 and 156 of the Entrepreneur Code. The Committee also requests once again that the Government provide information on the number and nature of disciplinary sanctions imposed on labour inspectors in accordance with section 50(12) of the Law on Civil Service.***

Article 13 of Convention No. 81 and Article 18 of Convention No. 129. Measures with immediate executory force in the event of imminent danger to the health or safety of the workers. The Committee notes that section 193 of the Labour Code provides that labour inspectors have the power to prohibit activities in case of danger to the health and life of workers for a period of five days. The Committee further notes

that, according to section 136 of the Entrepreneur Code, rapid response measures can be adopted by labour inspectors only in cases identified by the law and in relation to violations of items included in the inspection checklist. The Committee also notes the Government's indication that in 2023, at the request of labour inspectors, the operation of 17 pieces of equipment and nine production facilities was prohibited due to non-compliance with labour safety requirements and that in the first six months of 2024, such measures were adopted for two pieces of equipment and two production facilities. ***The Committee requests the Government to adopt the necessary measures to ensure that labour inspectors are empowered to make or have made orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers in accordance with Article 13 of Convention No. 81 and Article 18 of Convention No. 129. The Committee also requests the Government to indicate the measures adopted by labour inspectors in cases where, after the five days deadline provided in section 193 of the Labour Code, the violation identified has not been rectified. The Committee further requests the Government to continue to provide information on the number of prohibition orders adopted by labour inspectors.***

Articles 17 and 18 of Conventions Nos 81 and 22 and Article 24 of Convention No. 129. Prompt legal proceedings. Adequate penalties. The Committee notes the Government's indication that based on the inspection results, depending on the violations identified, and taking into account the gravity of the offence, labour inspectors have the right to bring the inspected entities to administrative responsibility in the form of a warning, fine or suspension of work. The Government also indicates that at present, the issue of replacing administrative responsibility in the form of a warning with fines, as well as increasing the amounts of fines, is under consideration and that the appropriate amendments to the legislation are in the process of approval by the state bodies. The Government further indicates that in the first seven months of 2024 employers had been issued with 2,552 orders and 2,931 administrative fines, amounting to more than 321.9 million Kazakhstani tenge (approximately US$665,580). The Committee further notes with ***concern*** that sections 144–1 and 144–2 of the Entrepreneur Code, still provide that in case of violations identified in the course of preventive inspections, the inspectors are obliged to issue a warning without the possibility of initiating proceedings. In its observations, the ITUC indicates that labour inspectors are not allowed to impose immediate sanctions if they find violations during routine inspections. In such cases, they can only issue a warning. Similarly, rapid response measures can only be taken in cases provided for by law and for violations of items on the inspection checklist. In its reply the Government indicates that the main requirements of scheduled inspections are to carry out preventive work in order to prevent or eliminate violations of labour legislation. At the same time, as a result of each scheduled inspection, labour inspectors issue a corresponding prescription with specific deadlines for elimination. However, the Government indicates that paragraph 3 of section 462 of the Code of the Republic of Kazakhstan on administrative offences, provides for fines in case of failure or improper implementation of legal requirements or prescriptions, submissions or orders issued by labour inspectors. ***The Committee once again requests the Government to take the necessary measures to revise the Entrepreneur Code to ensure that labour inspectors are able to initiate legal proceedings without previous warning, where required, in conformity with Article 17 of Convention No. 81 and Article 22 of Convention No. 129. The Committee also requests the Government to provide information on any progress made in the amendment of the legislation. The Committee further requests the Government to provide detailed information on the number and nature of violations identified, the number of warnings and fines issued and the amount of fines collected.***

With respect to the penalties imposed in case of obstruction to labour inspectors, the Committee notes the Government's indication that in 2023, 56 cases of obstruction of state labour inspectors were identified during the implementation of state monitoring. These resulted in administrative fines amounting to a total of 12.8 million tenge (approximately US$26,460) while in the first seven months of 2024, 17 similar cases were identified, resulting in administrative fines of 4 million tenge (approximately US$8,270) being imposed on employers. In this respect, the Committee notes with ***concern*** that

section 12 of the Entrepreneur Code still provides for the right of employers to deny the inspection by officials of state control and supervision bodies. It its observations, ITUC indicates that this provision is likely to render ineffective the provisions on penalties for obstructing the work of officials of the State Inspectorate and other State control and supervisory bodies. ***The Committee urges the Government to take the necessary measures to ensure that labour inspectors do not encounter undue obstruction while performing their duties. It also requests the Government to provide information on the number of cases in which inspectors are denied access to workplaces by employers and the grounds of such denial, and on the number of cases in which penalties are imposed on employers who obstruct labour inspectors in performing their duties and the nature of such penalties.***

Articles 19, 20 and 21 of Convention No. 81 and Articles 25, 26 and 27 of Convention No. 129. Annual report on the work of the labour inspection services. The Committee notes the Government's indication that it is working to ensure that labour inspection reports are compiled and published on a regular basis. The Government also indicates that the Ministry of Labour and Social Protection publishes information in the media on an ongoing basis on the labour inspectorate's work and regularly prepares the National Review of Occupational Safety in the Republic of Kazakhstan in accordance with the Methodological Guide for Compiling the National Review of Occupational Safety. The Government indicates that the last National Review, covering statistical information for 2020–22, was published in 2023. The Committee further notes that a 2024 amendment of the Labour Code repealed paragraph 11 of section 17 of the Code, which provided for the duty of the inspectors to submits periodic reports to the authorized state body. ***The Committee requests the Government to continue to pursue its efforts to ensure the establishment and publication of an annual report on the work of the inspection services and to transmit it to the ILO, in accordance with Article 20 of Convention No. 81 and Article 26 of Convention No. 129, and to ensure that it contains all the subjects listed under Article 21 of Convention No. 81 and Article 27 of Convention No. 129. The Committee also requests the Government to transmit a copy of the National Review of Occupational Safety. The Committee further requests the Government to indicate whether, in law and in practice, labour inspectors or local inspection offices are required to submit to the central inspection authority periodical reports on the results of their activities.***

The Committee is raising other matters in a request addressed directly to the Government.

Kenya

Labour Inspection Convention, 1947 (No. 81) (ratification: 1964)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1979)

The Committee notes that the Government's reports have not been received. It is therefore bound to repeat its previous comments.

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Articles 3(1), 4 and 5(b) of Convention No. 81 and Articles. 6(1), 7 and 13 of Convention No. 129. Structure of the labour inspection system, cooperation between inspection services and supervision and control by a central authority. In its previous comments, the Committee noted the absence of an individual or a department with oversight responsibility for the various inspection activities, as well as the limited cooperation between the two inspection systems under the Department of Labour (DOL) and the Department of Occupational Safety and Health (DOSH). In its report, the Government indicates that the two inspectorate services under the DOL and the DOSH were placed under a common oversight authority, the State Department of Labour, which is also the central authority for purposes of reporting. The Committee also notes that the Government refers to the development of more measures to centralise supervision and control of both departments but does not indicate whether the post of chief inspector has been established and filled. ***Therefore, the Committee requests the Government to provide information on additional measures taken toward the centralization of supervision and control of the two inspection systems, including the possibility of placing labour***

inspection under the responsibility of one chief inspector who would be responsible for the overall coordination of the Ministry of Labour's inspection services. In this respect, it requests the Government to indicate whether the post of chief inspector has been established and filled.

Articles 10, 11 and 16 of Convention No. 81 and Articles 14,15 and 21 of Convention No. 129. Lack of human and material resources and appropriate means of transport. Efficiency of inspections. In its previous comments, the Committee noted that the resource constraints in budgetary allocation led to a lack of inspectorate staff, lack of material resources, including facilities, and lack of transport, which affected the efficient delivery of labour inspection services, including in the agricultural sector. It further noted that the civil service was undergoing a reform and that subsequently, understaffed and under-resourced departments would benefit from the deployment of personnel from overstaffed agencies. In its report, the Government indicates that it has put in place measures to boost institutional capacity of the inspectorates to enhance resource allocation and effective enforcement of laws. The Committee notes that 40 officers were employed by the Ministry at the entry level of its inspectorate service in both the DOL and the DOSH in 2017. It further notes that the inspectorate staff has designated authorized officers under section 35 of the Labour Institutions Act (powers of labour officer), but the Government does not indicate the number of the nominated officers and the time of their appointment. The Committee notes the Government's indication that the geographical distribution of the inspectorate staff to all 47 counties aims at ensuring adequate representation and coverage of all sectors. The Government indicates that the labour inspectorate staff are provided with operational offices fully equipped for administration purposes and for the effective performance of their duties. Furthermore, according to the Government, staff reimbursements are adequately provided on instances where the labour inspectors need to use their own funds for the performance of their duties. However, the Committee notes that due to continued funding problems, the challenge remains of inadequate transport, in terms of required vehicles that would allow for movement to the various vast regions of the country. ***The Committee requests the Government to continue to provide information on the measures taken or envisaged, including within the framework of the civil service reform, to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate. It requests the Government to provide detailed information on the number of labour inspectors working for the DOL and the DOSH, indicating their years of experience, areas of specialization, and geographical distribution. Noting the funding constraints, the Committee requests the Government to provide information on the steps taken or envisaged to ensure that the labour inspectorate is provided with the material resources and transport facilities necessary for the effective performance of their duties.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Kyrgyzstan

Labour Inspection Convention, 1947 (No. 81) (ratification: 2000)

Previous comment

The Committee notes the observations of the Kyrgyzstan Federation of Trade Unions (FPK) received on 1 September 2023.

Articles 3, 10 and 16 of the Convention. Effective functioning of the labour inspection system. Sufficient number of labour inspectors. The Committee notes with ***concern*** the Government's indication in its report that there are currently only 28 labour inspectors, including the leadership of the Service for Control and Supervision of Labour Legislation, and that this number is too low in relation to the subjects to be inspected. In this respect, the Government reports that there are currently 2,537,900 people officially employed in the country. The Government further indicates that: (i) due to a lack of staff, in the Talas region there is only one inspector for the entire region, while in the Batken, Issyk-Kul, Naryn and Jalal-Abad regions there are two inspectors respectively; (ii) the distances from places of permanent deployment to districts and outskirts are very large, and therefore inspectors do not have time to fully carry out their duties; (iii) there are numerous complaints from citizens about violations of their labour

rights (for the first nine months of 2023, almost 1,752 applications were received); and (iv) due to the limited number of staff, labour inspectors do not carry out inspections on forced labour and human trafficking. The Committee also notes that, in its observations, the FPK indicates that the actual number of state labour inspectors is not sufficient to adequately supervise the observance of citizens' labour rights, and it also does not allow labour inspectors to conduct preventive measures. The Committee further notes that the Service is structured around a central office and two interregional management offices, one for the northern region and the other one for the southern region. ***The Committee urges the Government to ensure that there is a sufficient number of labour inspectors so that workplaces can be inspected as often and as thoroughly as necessary to ensure the effective application of the relevant legal provisions. In this respect, the Committee requests the Government to provide information on the measures planned or adopted to increase the number of labour inspectors and to ensure that all regions are covered. It also requests the Government, once again, to provide information on the budget allocation for labour inspection purposes.***

Articles 12, 16, 17 and 18. Limitations and restrictions of labour inspection. Effective enforcement of penalties for labour law provisions. 1. *Moratorium on inspections.* The Committee notes that a temporary ban on scheduled inspections was imposed between January and December 2023. The Committee further notes with ***deep concern*** that a new moratorium has been established by a Presidential Decree adopted on 9 January 2024, with a suspension of scheduled inspections until the end of 2024. As noted in its 2019 general observation on the labour inspection Conventions, the Committee recalls that this restriction substantially undermines the inherent functioning of the labour inspection system and is contrary to the provisions of the Convention. ***Therefore, the Committee urges the Government to act promptly to eliminate the moratorium on inspections and to ensure that labour inspectors are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in compliance with Article 16 of Convention No. 81.***

2. *Other limitations on the powers of inspectors.* The Committee notes with ***satisfaction*** that section 6 of the Law No. 72 of 2007 on the conduct of inspections in enterprises was amended and now provides that planned inspections should be conducted without prior notice. However, the Committee notes that the ongoing moratorium undermines the effect of this legislative change since scheduled inspections are suspended. The Committee also notes the introduction of the new section 7(5) of the same law which provides that, for unscheduled inspections, in cases related to ensuring the safety of life and health of people, in the event of environmental emergencies, the threat of an accident at work, or violation of construction norms and rules, inspections may be conducted without the prior authorization by the Ministry of Economy and Commerce. The authorized body for business development shall be subsequently notified within seven working days. The Committee notes that in all other cases not involving the conditions set in section 7(5) of the Law No. 72 of 2007, inspectors are still required to obtain the prior formal authorization before carrying out an unscheduled inspection. The Committee also notes with ***deep concern*** that other restrictions provided for in the Law No. 72 of 2007 remain in force, namely: (i) on the frequency of labour inspections (e.g. scheduled inspections shall not be conducted more than once a year in workplaces considered to be at high-risk, and not more than once every three years in workplaces with an average degree of risk (section 6(3)), and inspections shall not be conducted in new businesses within the first three years of their operation (section 6(8))); (ii) limitation of the scope of inspections, particularly in terms of the issues that can be examined in the course of inspections (sections 6(5) and 7(4)), (iii) inspections can only be carried out during working hours (section 16(2)); (iv) where a court does not confirm the existence of a violation as detected by an inspector, and where the court considers that this is the result of a fault of the labour inspector, the inspector shall be removed from office (section 20); and (v) scheduled and unscheduled inspections are not intended to impose financial or other sanctions on businesses and, in the event of an observed violation of the legislation during a scheduled inspection, inspectors may issue a written warning to the enterprise requesting it to eliminate the violation within 30 days (3 days if the violation impacts the

safety or health), and following the expiry of this delay, may take measures to influence the enterprise, as provided for in legislation (section 11). The Committee notes that according to the report of the Euro-Asian Regional Alliance of Labour Inspections, in 2022 there were 816 inspection visits, 1,402 violations detected, 378 binding orders issued and 1,142,000 Kyrgyzstani Som (approximately US$12,700) of fines recovered. Lastly, the Committee notes once again that the effective application of the penalties established by the Code of Offences continues to be hampered by the limitations established by Law No. 72 of 2007. ***With reference to its 2019 general observation on the labour inspection Conventions, the Committee urges the government to: (i) bring its national legislation into full conformity with Article 12 of the Convention by removing the multiple remaining restrictions on the powers of inspectors; (ii) to ensure that inspectors are able to undertake inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in conformity with Article 16; (iii) that they are able to initiate or recommend immediate legal proceedings without prior warning, where required, in conformity with Article 17; and (iv) to ensure the effective enforcement of penalties for violations of the legal provisions enforceable by labour inspectors as set out in the Code of Offences, in conformity with Article 18. In addition, the Committee requests the Government to provide statistics regarding the number of inspection visits undertaken by labour inspectors without previous notice, as compared to inspection visits undertaken with prior notice, as well as statistics on the number of penalties imposed and effectively enforced.***

Article 13(2)(b). Measures with immediate executory force to ensure the safety and health of workers. ***Noting the absence of new information in this regard, the Committee once again urges the Government to intensify its efforts to bring the national legislation into conformity with Article 13(2)(b) of the Convention. In addition, it requests the Government to provide information on the number of orders requiring measures with immediate executory force issued by labour inspectors per year and to indicate the cause and outcome of such orders.***

In light of the situation described above, the Committee notes with deep concern the renewed introduction of a moratorium on labour inspections for the year of 2024, which represents a serious violation of the Convention. The Committee also notes the persistence of other limitations, contained in Law No. 72 of 2007, to the powers of inspectors (i) to enter freely and without prior notice any place liable to inspection at any hours of day and night (Article 12(1)); (ii) to inspect as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions (Article 16); (iii) to initiate or recommend immediate legal proceedings without prior warning (Article 17); and (iv) to ensure the effective enforcement of penalties for violations of the legal provisions (Article 18). In addition, the Committee notes with concern the insufficient number of labour inspectors, which significantly undermines the inspectorate's ability to perform its duties effectively. The Committee therefore considers that this case meets the criteria set out in paragraph 90 of its General Report to be asked to come before the Conference.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to supply full particulars to the Conference at its 113th Session and to reply in full to the present comments in 2025.]

Lebanon

Labour Inspection Convention, 1947 (No. 81) (ratification: 1962)

Previous comment

The Committee acknowledges the complexity of the situation prevailing on the ground, which impacts the effective functioning of institutions in the country.

Article 3(1) and (2) of the Convention. Primary functions and additional duties of labour inspectors. 1. *Supervision of union matters*. The Committee previously noted that, in accordance with section 2(c) of

Decree No. 3273 of 26 June 2000, the labour inspectorate is vested with the authority to monitor vocational organizations and confederations at all levels in order to verify whether the latter, in their operations, are exceeding the limits prescribed by law and by their rules of procedure and statutes. The Committee takes note of the Government's indication that the role of labour inspectors under Decree No. 3273/2000 is primarily focused on counselling and guidance. In this context, the Committee recalls its long-standing requests for the Government to take measures to limit the intervention of labour inspectors in the internal affairs of trade unions and confederations. It reiterates that, pursuant to *Article 3(1)* and *(2)* of the Convention, the primary functions of the labour inspection system shall be to monitor and secure the conditions of work and the protection of workers, and that any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers. ***The Committee urges the Government to take the necessary measures in law and practice to ensure that additional functions entrusted to labour inspectors do not interfere with their primary duties, in accordance with Article 3(1) and (2) of the Convention. The Committee requests the Government to provide information on measures taken in this respect and further urges that any supervision of trade union activities by labour inspectors be strictly limited to protecting the rights of trade unions and their members, avoiding any interference in their legitimate activities and internal affairs.***

2. *Work permits for migrant workers.* The Committee previously noted statistics indicating that a significant portion of the labour inspectorate's activities focused on the issuance and renewal of work permits, as well as inspections related to such permits, as reported by the Government. The Committee also noted information provided by the ILO Decent Work Technical Support Team indicating that the system for monitoring work permits through the labour inspectorate has remained unchanged in its essence. ***The Committee urges the Government to take measures to ensure that the functions assigned to labour inspectors concerning work permits do not interfere with or compromise their primary mandate under the Convention. It requests the Government to provide information on the proportion of time spent by labour inspectors on activities related to the issuance, renewal, and inspection of work permits compared to the time spent on performing their primary duties, in accordance with Article 3(1) of Convention No. 81.***

Article 12(1) and (2). Right of inspectors to enter freely any workplace liable to inspection. In its previous comments, the Committee noted that the Memorandum No. 68/2 of 2009 mandates written authorization for unscheduled inspection visits, although according to section 6 of Decree No. 3273 of 2000 on Labour Inspection, labour inspectors shall have the authority to enter freely and without prior notice all enterprises under their supervision during hours of work at the enterprise.

The Committee notes the Government's indication that Memorandum No. 68/2 is intended to ensure oversight by providing information on inspectors' whereabouts to the Central Inspection Body. ***While noting this information and in the interest of legal certainty, the Committee requests that the Government amend Memorandum No. 68/2 of 2009 or to take other necessary measures to ensure that labour inspectors, with proper credentials, are fully empowered to enter workplaces without prior authorization, in line with Article 12(1) of the Convention. The Committee requests the Government to provide information on the steps taken or envisaged to address this issue and to supply copies of relevant legislative or administrative texts reflecting progress.***

The Committee is raising other matters in a request addressed directly to the Government.

Lesotho

Labour Inspection Convention, 1947 (No. 81) (ratification: 2001)

Previous comment

Articles 10, 11 and 16 of the Convention. Human resources and material means of the labour inspection services. Adequate number of labour inspections. The Committee notes that, according to the labour inspection report for 2023–24, from April 2023 to March 2024, the Labour Department employed 3 district labour officers (DLO), 20 labour inspectors, 6 occupational safety and health (OSH) inspectors and 3 labour officers. According to the same labour inspection report, the labour inspectorate continued to face major challenges, mainly due to limited resources and capacity constraints, including a lack of modern inspection tools and data management, that influenced its performance and resulted in inadequate coverage of labour inspections, particularly in remote and rural areas. In the labour inspection report, it is further indicated that in order to address the challenges faced by the labour inspection system, the inspectorate has continued to implement the ILO Strategic Compliance Planning (SCP) model. Furthermore, the Committee notes the Government's indication in its report that it is in the process of developing a five-year strategic plan meant to provide strategic direction for the Ministry of Labour and Employment that will influence the allocation of financial resources necessary to improve the functioning of the labour inspection system. The Committee takes note of the detailed information included in the labour inspection reports for 2022–23 and 2023–24 on the number and type of inspections conducted from April 2022 to March 2024 noting that, according to these reports, the target with regard to labour inspections was not reached due to resources constraints. In this respect, the Committee notes that 547 proactive labour inspections were conducted from April 2023 to March 2024 against the set target of 2,140 labour inspections. ***Noting the persisting challenges faced by the labour inspection system mainly due to financial and human resource constraints, the Committee once again urges the Government to take concrete measures to allocate the resources necessary to meet the most urgent priorities for the improved functioning of the labour inspection system and to provide information on any progress made in this regard, including in relation to the adoption of the envisaged five-year strategic plan and in the context of the implementation of SCP models. The Committee requests the Government to continue to provide information on the number of labour and OSH inspectors, the number of sanctioned posts, and any recruitment of new inspectors. The Committee requests the Government to provide information on the measures taken or envisaged to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the labour inspectorate in accordance with Article 10. The Committee requests the Government to continue to provide information on the number of inspections conducted, disaggregated by type.***

Articles 6, 7(1) and (2). Recruitment and conditions of service of labour inspectors. The Committee notes that the Government did not provide information in reply to the previous comment. The Committee notes that the labour inspection reports for 2022–23 and 2023–24 reiterate the information previously provided by the Government regarding the salary grades of DLOs and other labour and OSH inspectors and refer once again to the persisting challenges of low staff morale and corrupt activities of labour inspectors. ***The Committee requests the Government to adopt the necessary measures to ensure that the inspection staff is composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences. Given the absence of new information, the Committee once again requests the Government to indicate the specific criteria and methods for selecting candidates for the profession and to indicate if the compulsory placement of labour inspectors still takes place. It also once again requests the Government to provide information on the conditions of service of labour inspectors and, in particular, detailed information on wages and career prospects as compared to other types of public officials performing similar duties (for example, tax inspectors and the police). The Committee once again requests the Government to indicate any measures adopted in order to address***

the challenges identified, including with specific reference to the corrupt activities of labour inspectors.

Articles 14, 20 and 21. Preparation, publication and transmission of an annual report on the work of the inspection services. Notification of occupational accidents and diseases to the labour inspection services. The Committee notes with ***interest*** that the Government has communicated the labour inspection reports for 2022–23 (April 2022 to March 2023) and 2023–24 (April 2023 to March 2024), in accordance with *Article 20*, containing information on some of the subjects required under *Article 21* of the Convention. While both reports include information on staff of the labour inspection service and statistics on inspection visits, only the labour inspection report for 2022–23 includes statistics of violations and penalties imposed, as well as statistics on industrial accidents. The Committee notes that none of the labour inspection reports includes information on statistics of workplaces liable to inspection, the number of workers employed therein, nor statistics on occupational diseases. The Committee notes that both labour inspection reports refer to the persisting issue of an inadequate reporting system on occupational accidents and to the limited number of occupational health practitioners to determine the link between exposure and occupational diseases. ***The Committee requests the Government to continue to regularly publish and communicate to the ILO the annual labour inspection reports that contain information on all subjects listed in Article 21 of Convention No. 81, including on statistics of workplaces liable to inspection and the number of workers employed therein (Article 21(c)); statistics of violations and penalties imposed (Article 21(e)); statistics of industrial accidents (Article 21(f)); and statistics on occupational diseases (Article 21(g)). Noting the persisting challenges regarding the reporting of occupational accidents and the lack of information with regards to occupational diseases, the Committee requests the Government to provide information on any measures taken or envisaged to improve the notification of industrial accidents and cases of occupational diseases to the labour inspectorate, in accordance with Article 14 of Convention No. 81.***

The Committee is raising other matters in a request addressed directly to the Government.

Lithuania

Labour Inspection Convention, 1947 (No. 81) (ratification: 1994)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 3(1) and (2) of the Convention. Additional functions entrusted to labour inspectors. Labour inspection activities in the area of irregular work. In its previous comments, the Committee requested the Government to provide information on the actions undertaken by the labour inspectorate and the judicial authorities to ensure the enforcement of employers' obligations with regard to the statutory rights of workers found, in the course of inspections, to be working irregularly. The Committee notes the Government's indication regarding a series of activities aiming at the prevention and control of illegal work, undeclared work, undeclared self-employment and violations of the procedure for employing third-country nationals. The Committee notes in this respect that in 2020, the state labour inspectorate (SLI) carried out 4,161 inspections focused on illegal work, which resulted in the detection of 1,794 workers who were working illegally. The Government indicates that in 2020 the SLI undertook a series of consultations with employers, workers and their representative organizations on the issue of illegal work, focusing on the activities of small and medium-sized enterprises and first-year entities. The Government also provides details on the inspections of entities in the areas of the highest risk of breaching the requirements of occupational safety and health and labour legislation and reports the establishment of inspection groups specialised in controlling illegal labour.

The Committee notes that the Government does not provide information on cases in which the statutory rights of workers found to be working irregularly have been reinstated. In addition, the Committee notes that section 56 of the Law on Employment provides for measures to be taken by labour inspectors in cases of illegal work. The Committee further notes that according to this section, when such cases concern foreign workers, the labour inspectors request the employer to terminate the labour relations and notify the

immigration authorities. The Committee recalls that the function of verifying the legality of employment should have as its corollary the reinstatement of the statutory rights of all the workers if it is to be compatible with the objective of labour inspection, which is to protect the rights and interests of all workers and to improve their working conditions (see 2006 General Survey on labour inspection, paragraph 78). In this respect, the Committee also recalls that workers in a vulnerable situation may not be willing to cooperate with the labour inspection services if they fear negative consequences as a result of inspection activities (see 2017 General Survey on instruments concerning occupational safety and health, paragraph 452). ***The Committee requests the Government to take measures to ensure that the functions assigned to labour inspectors with regard to irregular work do not interfere with the main objective of labour inspectors to ensure the protection of workers in accordance with labour inspectors' primary duties as set forth in Article 3(1) of the Convention. It requests the Government to provide information on the time and resources that are allocated to the prevention and control of illegal or undeclared work as a proportion of inspectors' overall time and resources. It once again requests the Government to indicate how the SLI ensures the enforcement of employers' obligations with regard to the statutory rights of the workers found to be working irregularly, including migrant workers.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Madagascar

Labour Inspection Convention, 1947 (No. 81) (ratification: 1971)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1971)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

The Committee notes the observations of the General Confederation of Workers' Unions of Madagascar (FISEMA), received on 31 August 2024.

Article 3(2) of Convention No. 81 and Article 6(3) of Convention No. 129. Additional duties of labour inspectors. Further to its previous comments concerning the time spent by labour inspectors in the performance of functions other than their principal duties, the Committee notes with ***concern*** the indication in the Government's report that labour inspectors generally devote between 70 and 80 per cent of their time to conciliation. The Government adds that 80 per cent of ITC consumables are used for printing documents relating to the convocation of the parties and notices. The Committee also notes the provisions of the new Labour Code, adopted by Act No. 2024-014 issuing the Labour Code, which set out the functions of labour inspectors in the settlement of labour disputes. Section 263 of the Labour Code provides for the obligation to refer matters to the labour inspection services before going to the competent tribunal for the settlement of disputes between workers who are still under contract and their employer. The FISEMA also reiterates its observations concerning the inadequacy of inspections in enterprises, in contrast with administrative and conciliation duties.

The Committee once again recalls that, in accordance with *Article 3(2)* of Convention No. 81 and *Article 6(3)* of Convention No. 129, any further duties entrusted to labour inspectors, including conciliation, should not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers. ***The Committee urges the Government to take all the necessary measures to ensure that, in accordance with Article 3(2) of Convention No. 81 and Article 6(3) of Convention No. 129, any further duties assigned to labour inspectors, other than their primary duties, do not interfere with the effective discharge of their primary duties. The Committee requests the Government***

to continue providing information on the measures adopted, and on the time and resources devoted to conciliation and mediation activities undertaken by labour inspectors, in comparison with inspections in enterprises.

Articles 5(a), 17 and 18 of Convention No. 81 and Articles 12(1), 22 and 24 of Convention No. 129. Cooperation with the justice system, prosecutions and penalties. In its previous comment, the Committee noted the observations of the Trade Union Confederation of Malagasy Revolutionary Workers (FISEMARE) noting significant delays in the administrative processing of inspection cases and the difficulties encountered by some labour inspectors in enforcing the law. In this respect, the Committee notes the Government's indication that it does not have statistical data on these points. Nevertheless, the Committee considers that information on cooperation with the justice system in practice is necessary in order to assess the conformity of the measures taken by the Government with the above *Articles* of the Convention. ***As a consequence, and in the absence of information on this subject, the Committee requests the Government to take the necessary measures to ensure effective cooperation between the labour inspection services and the justice system with a view to ensuring that, in accordance with Article 17 of Convention No. 81 and Article 22 of Convention No. 129, persons who violate or neglect to observe the respective legal provisions are liable to prompt legal proceedings without previous warning. The Committee also requests the Government to take measures to ensure that, in accordance with Article 18 of Convention No. 81 and Article 24 of Convention No. 129, the penalties set out in the Labour Code, including section 371 of the Labour Code, are effectively enforced. The Committee requests the Government to provide information on the measures adopted in this respect and their impact, including the number of penalties imposed.***

Articles 6, 10 and 11 of Convention No. 81 and Articles 8, 14 and 15 of Convention No. 129. Status of labour inspections and conditions of service of labour inspectors and controllers. Resources allocated to the labour inspectorate. Further to its previous comments, the Committee takes due note of section 303 of the Labour Code, which provides that labour inspection personnel shall be composed of public officials whose status and conditions of service assure them stability of employment and make them independent of changes of government and of improper external influences. The Committee also notes the Government's indication concerning the recruitment of 50 new labour inspectors and the acquisition of new vehicles allowing for increased inspections. The Government also refers to an increase in the budget allocated to regional labour inspection services. Nevertheless, the Committee notes that the FISEMA reiterates its previous observations concerning the absence of a system of inspection in the agricultural sector, in which 70 per cent of the active population are engaged and which is dominated by informality. ***The Committee requests the Government to continue taking measures to strengthen the staff of the labour inspection services and the resources available to them, with particular emphasis on measures to reinforce labour inspection in the agricultural sector. It requests the Government to continue indicating all the measures adopted in this respect, and to provide statistics on the number of labour inspectors and controllers, disaggregated by region. The Committee further requests the Government to indicate the measures taken or envisaged for the adoption of the decrees envisaged in section 304 of the Labour Code determining the specific regime applicable to labour and social security inspectors and controllers. With reference to the measures adopted to strengthen the resources available to the labour inspection services, the Committee also refers the Government to its comments adopted in 2022 on the Worst Forms of Child Labour Convention, 1999 (No. 182).***

Article 7(3) of Convention No. 81 and Article 9(3) of Convention No. 129. Training for labour inspectors. Further to its previous comments concerning the further training provided to labour inspectors and specialized training on agricultural issues, the Committee notes the information provided by the Government concerning the further training provided by the National School of Administration of Madagascar. The Committee also notes the Government's indication concerning the three-day training course carried out in July 2024 for 26 labour inspectors on the new Labour Code, and the organization of a second training session for 52 labour inspectors in September 2024. ***Noting the absence of***

information on this subject, the Committee requests the Government to take the necessary measures to provide labour inspectors with specialized training on issues relating to the agricultural sector and to provide information on the training provided in this respect.

Articles 19, 20 and 21 of Convention No. 81 and Articles 25, 26 and 27 of Convention No. 129. Submission of periodic reports to the central inspection authority and preparation, publication and transmission of the annual inspection report. Further to its previous comments on the absence of an annual report on the work of the labour inspection services, the Committee notes that, according to the Government, the annual and four-monthly reports of the labour inspection services are not published due to the sensitivity of the information that they contain and the incomplete data received by the central authority. The Committee nevertheless observes that relevant statistics are already available in the Government's report, particularly on the number of inspections carried out and the number of enterprises covered by labour inspection. The Government adds that it has been taking measures since 2021 to standardize activity reports with a view to producing reliable, good quality and up-to-date statistics that most effectively meet the requirements of *Article 21* of Convention No. 81 and *Article 27* of Convention No. 129. The Committee recalls that, in accordance with *Article 20* of Convention No. 81 and *Article 26* of Convention No. 129, the central inspection authority shall publish an annual general report on the work of the inspection services and that copies of these annual reports shall be transmitted to the Director-General of the International Labour Office within a reasonable period after their publication. ***The Committee therefore requests the Government to take all the necessary measures and to intensify its efforts to give full effect to Articles 20 and 21 of Convention No. 81 and Articles 26 and 27 of Convention No. 129.***

The Committee is raising other matters in a request addressed directly to the Government.

Malawi

Labour Inspection Convention, 1947 (No. 81) (ratification: 1965)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1971)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

The Committee notes the observations of the Malawi Congress of Trade Unions (MCTU) received on 2 September 2024, and the Government's response thereto.

Articles 14, 20 and 21 of Convention No. 81 and Articles 19, 26 and 27 of Convention No. 129. Annual report on labour inspection activities. Notification of occupational accidents and diseases to the labour inspection services. The Government indicates in its report under the Occupational Safety and Health Convention, 1981 (No. 155) that it is taking steps towards commencing annual publications of statistical information related to occupational safety and health (OSH) and other relevant matters through the new website of the Ministry of Labour (MoL) and other platforms. In this context, it indicates that, with support from the ILO, it is developing the Labour Information Management System which will serve as a platform for information sharing. However, the Committee notes with ***regret*** that once again the Government has not submitted an annual labour inspection report. The Committee notes that the only statistics provided by the Government refer to the number of labour inspectors recently recruited, and that the Government does not indicate the measures adopted in order to improve the notification of occupational diseases. In its observations, the MCTU indicates that relevant reports have not been produced by the MoL. In its response, the Government indicates that this is due to the lack of capacity of the MoL and it expresses the intention to request technical assistance from the Office to build its

capacities in this regard. ***The Committee once again requests the Government to take the necessary measures to ensure that the labour inspection report is published and transmitted to the ILO, in accordance with Article 20 of Convention No. 81 and Article 26 of Convention No. 129 and that such report contains information on all the subjects listed in Article 21 (a)–(g) of Convention No. 81 and Article 27 (a)–(g) of Convention No. 129. In this context, it requests the Government to provide updated information with regards to the development of the Labour Information Management System. Noting the persistent lack of statistics on occupational diseases reported, the Committee requests the Government to take measures to improve the notification of cases of occupational diseases to the labour inspectorate, in accordance with Articles 14 of Convention No. 81 and 19 of Convention No. 129 and to provide the relevant statistics in the labour inspection report. The Committee encourages the Government to request technical assistance from the Office in order to improve its reporting and notification system.***

Issues specifically concerning labour inspection in agriculture

Articles 3, 6, 8, 15, 21 and 22 of Convention No. 129. Labour inspection system in agriculture. Inspection visits. In its previous comments, the Committee noted that although a significant proportion of workers are engaged in the agricultural sector, there are no reliable statistics on the number of inspections carried out in agriculture and that in the recent past, there had been no violations detected and no penalties imposed. The Committee notes that the Government does not provide information on the number and type of inspections and their results. With regard to measures taken to strengthen the labour inspection system in agriculture, the Committee takes note of a series of Memoranda of Understanding (MoUs) signed between the Ministry of Labour and private partners, which aim to create a framework for cooperation under which the private sector provides financial and logistical support to the Ministry of Labour to strengthen inspection, through capacity-building, data collection, and training, focusing primarily on child labour, forced labour and OSH. In particular, the Committee notes that an MoU signed in October 2023, and valid for three years, with tobacco companies operating in the country provides for: (i) the direct payment by the companies of a sum of 25,000 Malawi kwacha per day (approximately US$14.43) to the labour officer which is called to perform an inspection visit following a notice of violation provided by one of the tobacco companies; and (ii) the provision of transport in the form of fuel allocation for the labour officers for performing such inspections. The MoU further indicates that, upon receipt of the payment the labour officer will arrange the visit to the farm concerned in order to: (i) determine the extent of the issue; (ii) provide advice to the farmer and worker; (iii) remediate the situation; (iv) refer the case to the police, specialized organization, or ministry if the issue falls outside the scope of the labour officer's mandate; (v) refer OSH issues to the OSH and Welfare Directorate; (vi) report on follow up actions where necessary; and (vii) close the issue and finalize the report. The MoU further specifies that labour officers are not precluded from conducting unannounced farm inspections and that, in this case, no payment or reimbursement of expenses will be granted. The Committee notes that the UN Committee on Economic, Social and Cultural Rights expressed concern about the limited capacity and resources of the labour inspection system, which hinder effective enforcement of labour standards, particularly in remote and rural areas (E/C.12/MWI/CO/1 27 September 2024, paragraph 29). While noting the serious constraints in relation to the human, financial and material resources faced by the labour inspectorate and the efforts made through the MoUs to strengthen the capacities of labour inspection services, the Committee wishes to call the Government's attention to a series of considerations in relation to the MoU signed in October 2023. The Committee is of the view that an arrangement for which inspectors are granted monetary compensation and reimbursement of travel expenses from the employers is likely to prejudice the impartiality and authority which are necessary to inspectors in their relations with employers and workers. The Committee recalls that labour inspection is a public function and that labour inspectors should be granted conditions of service which are such to ensure their stability of employment and independence from improper external influence. In addition, the Committee recalls that labour inspections should be

able to institute prompt legal or administrative proceedings without previous warnings in case of violations of provisions enforceable by labour inspectors and that it should be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings. ***Therefore, the Committee requests the Government to take the necessary measures, including by amending the MoU, in order to ensure (i) the effective discharge of the labour inspection duties in agriculture and that labour inspectors have the authority and impartiality that are necessary in their relations with employers and workers, in accordance with Article 6 the Convention; (ii) that agricultural undertakings are inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions, in accordance with Article 21; (iii) that labour inspectors in agriculture are composed of public officials whose conditions of service are such that they are independent of improper external influences, in compliance with Article 8; (iv) that they are provided with the transport facilities that are necessary to the performance of their duties and that arrangements are in place in order to ensure the reimbursement of any travelling and incidental expenses which may be necessary for the performance of their duties, in compliance with Article 15; and (v) that persons who violate or neglect to observe legal provisions enforceable by labour inspectors in agriculture are liable to prompt legal or administrative proceedings without previous warning and that labour inspectors have the power to decide whether to give warning and advice instead of instituting or recommending proceedings, in accordance with Article 22. The Committee requests the Government to take these considerations into account in the development of future MoUs. The Committee requests the Government to provide information on the application in practice of the MoU, in particular with regard to the number and nature of inspections conducted upon notice from the companies, the number and nature of violations encountered, and the measures adopted by labour inspectors, including sanctions imposed and proceedings established. The Committee recalls to the Government that it may avail itself of technical assistance from the Office in order to strengthen the labour inspection service.***

The Committee is raising other matters in request addressed directly to the Government.

Mauritania

Labour Inspection Convention, 1947 (No. 81) (ratification: 1963)

Previous comment

The Committee notes the observations of the General Union of Labour Administration Staff (SGCAT) dated 13 June 2023, the Government's reply dated 7 August 2023, and the SGCAT's observations of 1 March 2024.

Articles 3, 6. 8, 10, 11 and 16 of the Convention. Duties, status and conditions of service of labour inspectors. Financial and material resources at the disposal of the labour inspection services and number of inspectors to ensure the effective discharge of inspection duties. Composition by gender. Further to its previous comment, the Committee notes the Government's indication in its report that labour inspectors and controllers currently receive substantial compensation for travel but that, if resources so permit, it plans to take measures to reinforce the mobility of regional inspectors. The Committee also notes that the SGCAT has raised the following points in its observations: (i) due to the lack of resources, inspection activities have been suspended for years, particularly in rural areas, and over 70 per cent of workplaces covered by the labour legislation are not inspected; (ii) the labour inspection services do not have duty vehicles and the travel undertaken by labour inspectors within the context of their duties are neither compensated nor reimbursed; (iii) there are only 100 labour inspectors and controllers for thousands of enterprises, and several of them have left their posts to take up other duties; (iv) the new promotion of inspectors and controllers was carried out without taking into account the density of work in the areas to which they are assigned; and (v) in comparison with officials in other inspection services,

labour inspectors are those who have the lowest wages, and those who are assigned to a post far from their place of origin do not benefit from duty accommodation or food supplies. The SGCAT adds that it hopes that new regulations will be adopted for labour inspectors and controllers, including specific provisions on material aspects (wages, allowances, housing and travel), career progression, promotion and transfer opportunities, as well as their various duties. The Committee notes that, in response to these observations, the Government provides the following indications: (i) all establishments and enterprises governed by the Labour Code and the General Collective Labour Agreement are liable to inspection by labour inspectors (620 enterprises were inspected in 2024), and their conditions of work have been greatly improved in recent years through the acquisition of office furniture and equipment; (ii) the labour inspection services in the three most important regions (wilayas) have a vehicle, all inspection services have an annual transport/fuel budget, and all travel by inspectors is compensated; (iii) there are 125 labour inspectors and controllers for 500,000 employees, and none of them have been detached or made available to other institutions; (iv) the assignment of labour inspectors and controllers is carried out on the basis of the order of merit communicated by the National School of Administration, Journalism and Magistrates; and (v) over the past three years, the wages of inspectors have been increased by 10,400 Mauritanian ouguiya and those of controllers by 7,900 ouguiya, in addition to the increases that all contractual State officials and employees have received. With regard to material resources, the Committee notes that the annual purchase plan of the Ministry of the Public Service and Labour for 2022 provided for the acquisition of office furniture and computer equipment for regional inspection services, and the recruitment of a consultancy to develop a plan of action for labour inspection. ***The Committee requests the Government to take all the necessary measures to ensure that the number of labour inspectors is sufficient to ensure the effective application of the Convention, that inspectors have the necessary material resources for the performance of their duties and that workplaces are inspected as often and as thoroughly as necessary. The Committee also requests the Government to continue providing detailed information on: (i) the number of labour inspectors and controllers, including the number of women appointed to these positions; (ii) the material resources at the disposal of the labour inspection services (office furniture and equipment, personal protective equipment and transport facilities); (iii) the number of inspections carried out each year and their geographical distribution; and (iv) any progress achieved in the formulation of a plan of action for labour inspection. Noting that the Government has not responded to the proposal by the SGCAT for the adoption of new regulations governing labour inspectors and controllers, the Committee requests the Government to provide its comments in this regard.***

Articles 19, 20 and 21. Preparation, publication and communication to the ILO of an annual inspection report. The Committee notes that, according to the Government's indications in reply to its previous comment, each regional labour inspection service prepares and submits to the central authority an annual report on its work, and that these reports are consolidated by the General Directorate of Labour into an annual report with a statistics section, which is transmitted to the ILO. ***Noting with regret that the ILO has not received any annual report, the Committee requests the Government to take all the necessary measures without delay for the preparation, publication and communication to the ILO of annual inspection reports, in accordance with the Convention, and to provide information on any progress achieved in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Montenegro

Labour Inspection Convention, 1947 (No. 81) (ratification: 2006)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 2006)

The Committee notes that the Government's reports have not been received. It is therefore bound to repeat its previous comments.

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Article 3(1) and (2) of Convention No. 81 and Article 6(1) and (3) of Convention No. 129. Additional functions entrusted to labour inspectors. The Committee previously commented on the results of inspection activities of labour inspectors regarding migrant workers, including joint controls between labour inspectors and the Division for Foreigners, Visas and Combating Illegal Migration of the Police. The Committee notes that, according to the Government's report, 132 joint controls were undertaken in 2020 with the Border Police (down from 342 in 2019), and that, while a focus of inspection is to prevent persons from working in irregular situations, labour inspectors also monitor the protection of migrant workers' labour rights, including on occupational safety and health (OSH). The Committee also notes the Government's statement that labour rights of migrant workers are protected like those of Montenegrin citizens whenever possible, and except where their residence in Montenegro is terminated. The 2020 Annual Report of the Directorate for Inspection Affairs indicates, in this regard, that hiring foreigners without a previously obtained residence and work permit is one of the most common irregularities identified in the field of labour relations and employment, that joint controls have resulted in the termination of residence for a large number of migrant workers caught in an irregular work situation, who could not be regularized, and that the labour inspectorate could only sanction their employers in such occasions. The Committee notes that, according to the same Annual Report, 483 workers in irregular situations were detected in 2020, out of which 144 (29 migrant workers and 115 Montenegrin citizens) were regularized after measures taken by the labour inspectorate. The Committee once again recalls its indication in the 2006 General Survey, *Labour inspection,* paragraph 78, that any function of verifying the legality of employment should have as its corollary the reinstatement of the statutory rights of all the workers if it is to be compatible with the objective of labour inspection, which is to protect the rights and interests of all workers and to improve their working conditions. The Committee also recalls its indication in the same paragraph of the 2006 General Survey that efforts to control the use of migrant workers in an irregular situation require mobilizing considerable resources which inspectorates can only provide to the detriment of their primary duties. ***Noting the Government's indication regarding joint controls and difficulties in enforcing certain migrant workers' labour rights, the Committee requests the Government to take specific measures to ensure that labour inspectors' participation in joint controls does not interfere with the effective discharge of their primary duties under Article 3(1) of Convention No. 81 and Article 6(1) of Convention No. 129. The Committee requests the Government to provide further information on how it ensures that the functions of verifying the legality of employment, assigned to labour inspectors, do not interfere with their main objective of protecting workers, in accordance with those Articles. It requests the Government to continue to provide information on the actions undertaken by labour inspectors in this area, including the outcomes of joint controls.***

Article 6 of Convention No. 81 and Article 8 of Convention No. 129. Conditions of service of labour inspectors. The Committee previously requested the Government to provide information on circumstances under which labour inspectors may not be reappointed following expiration of term, and on measures to improve their conditions of service. The Committee notes the Government's statement that, pursuant to the Law on Civil Servants and State Employees (Nos 2/18, 34/19 and 8/21), the Chief Inspector and inspectors are appointed for a term of five years, following which they are subject to re-examination of knowledge, competencies and abilities. The Government indicates in this regard that there have been no cases of labour inspectors failing and not being re-appointed to the same position, but that this does not make the employment of such officials stable. The Committee recalls that, as it has expressed in its 2006 General Survey, *Labour inspection,* paragraph 201, the status and conditions of service of labour inspection staff under *Article 6* of Convention No. 81 and *Article 8* of Convention No. 129 must assure the staff of stability of employment and independence from improper external influences. The Committee further recalls that, as expressed in its 2006 General Survey, *Labour inspection,* paragraph 203, public servant status for inspection staff is the status best suited to guaranteeing them the independence and stability necessary to the performance of their duties, and that, as public servants, labour inspectors are generally appointed on a permanent basis and can only be dismissed for serious professional misconduct. On measures to improve the conditions of service of labour inspectors, the Committee takes due note of the Government's indication regarding a Governmental Decision last amended in 2021, providing for salary supplements to labour inspectors in the amount of up to 30 per cent of their basic salary. ***Accordingly, the Committee requests the Government to provide information on the independence, continuity and stability of service of labour inspectors in comparison to***

public servants exercising similar functions with other government services, such as tax inspectors and the police. The Committee also requests the Government to continue to provide information on measures taken or envisaged to ensure that conditions of service of labour inspectors are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Morocco

Labour Inspection Convention, 1947 (No. 81) (ratification: 1958)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: **1979)**

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) in a single comment.

Article 3(1) and (2) of Convention No. 81 and Article 6(1) and (3) of Convention No. 129. Additional duties of labour inspectors. Further to its previous comments on the role of labour inspectors in the resolution of individual and collective disputes, the Committee notes the Government's indication in its report that the primary task of the labour inspectorate is to enforce the labour legislation and ensure the application of the rules relating to labour relations. In this regard, the Committee notes the Government's indication that labour inspectors have a monthly threshold for inspection visits under the national labour inspection plan and are required to carry out at least 20 inspections per month. However, the Committee notes that, according to the Government and the information in the annual labour inspection report for 2022, the labour inspectorate still adopts a proactive approach to conciliation and dispute resolution. The Committee notes that in 2020 labour inspectors examined 63,235 individual labour disputes compared with 53,134 individual disputes in 2019, an increase of 19.01 per cent. ***While noting the information provided, the Committee requests the Government to continue taking all necessary steps to ensure that all additional duties assigned to labour inspectors, including conciliation, do not interfere with the performance of their primary duties, in accordance with Article 3(2) of Convention No. 81 and Article 6(3) of Convention No. 129. Noting the absence of information in this respect, the Committee once again requests the Government to indicate the time spent by labour inspectors on their primary duties in relation to the other duties assigned to them, such as conciliation and the settlement of labour disputes.***

Articles 10 and 11 of Convention No. 81 and Articles 14 and 15 of Convention No. 129. Number of labour inspectors, material resources and transport facilities. Further to its previous comments on the number of labour inspectors and vehicles made available to them, particularly with regard to inspectors responsible for agriculture, the Committee notes the Government's indication that the number of labour inspectors in agriculture has fallen from 22, as previously noted in 2022, to 12 at the regional level in 2023. The Committee also notes the Government's indication that the Ministry of Economic Inclusion, Small Businesses, Employment and Skills (MIEPEEC) is planning to increase the number of labour inspectors responsible for agriculture after the completion of the training cycle for newly recruited inspectors. However, the Committee observes that there is a lack of up-to-date information on the total number of active labour inspectors in the country, disaggregated by sector, and the number of vehicles available for inspections, particularly for inspection in agriculture. ***While noting the Government's intention to increase the number of labour inspectors responsible for agriculture, the Committee requests the Government to take the necessary steps to ensure that the number of labour inspectors***

remains sufficient to enable the effective discharge of the duties of the labour inspectorate, including in agriculture. The Committee also once again requests the Government to provide information on the total number of labour inspectors at the central and regional levels, disaggregated by sector of activity. The Committee further requests the Government to indicate the number of vehicles available in each regional delegation for inspection purposes, including the number of vehicles made available to labour inspectors responsible for agriculture.

Articles 12 and 15(c) of Convention No. 81 and Articles 16 and 20(c) of Convention No. 129. Confidentiality regarding the source of complaints during inspections. Inspections without prior notice. The Committee notes that, despite its long-standing comments on the importance of establishing a legal basis for labour inspectors' obligation to treat as absolutely confidential the source of any complaint, the Government once again indicates that this obligation forms part of the code of ethics for labour inspection, without referring to laws or regulations in this regard. The Government also reiterates that this confidentiality forms part of the elements covered by the methodological guide for labour inspection. The Committee notes the Government's indication that in 2023 the labour inspectorate carried out 50,600 inspections compared with 31,041 in 2022. ***In the absence of other information on this matter, the Committee once again requests the Government to take steps to establish a legal basis for the obligation of confidentiality prescribed by Article 15(c) of Convention No. 81 and Article 20(c) of Convention No. 129. The Committee also requests the Government to provide up-to-date information on the measures taken to ensure that labour inspectors are empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection, in accordance with Article 12 of Convention No. 81 and Article 16 of Convention No. 129. Recalling once again that confidentiality is only possible in practice if the inspection method used includes a considerable number of routine inspections, the Committee requests the Government to continue providing statistics on the number of inspections and to disaggregate the inspections by type (routine inspections, visits to monitor implementation of compliance orders, and inspections to follow up complaints).***

Articles 13, 17 and 18 of Convention No. 81 and Articles 18, 22, 23 and 24 of Convention No. 129. 1. *Prosecution of violations and effectively applied penalties.* Further to its previous comment noting that the number of violation reports remained low compared to the number of violations detected, the Committee notes the statistics provided by the Government, according to which the labour inspectorate recorded 1,359 violations in 2023 and issued 475,840 observations and 181 violation reports. ***Noting that the number of violation reports remains low compared to the number of violations detected, the Committee requests the Government to take the necessary steps to ensure that in law and in practice any persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to immediate prosecution without prior warning. In the absence of up-to-date information in this regard, the Committee also requests the Government to provide statistics on the follow-up to violation reports produced by labour inspectors, and also on the penalties applied for violations of the legal provisions enforceable by labour inspectors. The Committee also once again requests the Government to provide more detailed information on the follow-up to observations issued by labour inspectors in cases where violation reports are not drawn up.***

2. *Supervisory activities of inspectors in agriculture and action taken on safety and health injunctions and on violations of the legislation.* ***In the absence of information on this matter, the Committee urges the Government to provide information on the action taken on safety and health injunctions and violations of the legislation, including for failure to implement injunctions issued to eliminate risks to workers' safety and health (section 543 of the Labour Code), or the recommendation that employers who have committed violations or failed to take preventive action as ordered should be prosecuted (section 545 of the Labour Code).***

The Committee is raising other matters in a request addressed directly to the Government.

Mozambique

Labour Inspection Convention, 1947 (No. 81) (ratification: 1977)

Previous comment

Article 3(2) of the Convention. Additional functions entrusted to labour inspectors. 1. *Role of labour inspectors in monitoring the working conditions of migrant workers found in an irregular situation.* The Committee notes the information provided by the Government that the Labour Inspectorate (IGT) is solely tasked with the functions outlined in section 4 of the Organizational Statute of the Labour Inspectorate (Decree No. 19/2015 of 28 August) and section 4 of the Labour Inspectorate Regulations (Decree No. 45/2009 of 14 August), without any additional tasks that could compromise its impartiality or affect its relationships with employers and workers. The Committee notes that: (i) these sections establish that labour inspectors shall control the obligations regarding the employment of foreign workers; (ii) according to the 2023 annual labour inspection report, 169 foreign workers were found to be working illegally in the country and were consequently suspended from their activities; and (iii) according to the report, fines were issued to the employers. The Committee recalls that insofar as the function of verifying the legality of employment is carried out, it should have as its outcome the reinstatement of the statutory rights of all the workers concerned if it is to be compatible with the objective of labour inspection. This objective can only be met if the workers covered are convinced that the primary task of the inspectorate is to enforce the legal provisions relating to conditions of work and the protection of workers. Workers in a vulnerable situation may not be willing to cooperate with the labour inspection services if they fear negative consequences as a result of inspection activities, such as the loss of their job or expulsion from the country (see the 2017 General Survey on occupational safety and health, paragraph 452). ***The Committee requests the Government to take the necessary measures in order to ensure that the functions assigned to labour inspectors do not interfere with the main objective of labour inspectors to ensure the protection of workers in accordance with labour inspectors' primary duties as set forth in Article 3(1) of Convention No. 81. It also requests the Government to provide information on how many foreign workers identified by the labour inspectorate as working illegally were granted their statutory rights, such as the payment of outstanding wages and social security credits. The Committee also requests the Government to indicate any other actions undertaken by labour inspectors with respect to those foreign workers, in particular if they are reported to the immigration authorities.***

2. *Role of labour inspections relating to the exercise of trade union rights.* Further to its previous comments concerning tasks related to trade unions and employers' organizations, the Committee notes the Government's indication that the new Labour Act (Act No. 13/2023) guarantees that workers and employers, without any form of discrimination or need for prior authorization, have the right to freely associate and become members of organizations aimed at promoting and protecting the rights and interests of workers and employers. The Government also indicates that public authorities, including the IGT, are prohibited from any form of interference that could limit the exercise of trade union rights or hinder their lawful practice. ***Noting that section 4(5)(a) and (b) of Decree No. 45/2009 granting the IGT the responsibility of registering trade unions and verifying the legality of their by-laws remain in force, the Committee once again requests the Government to take the necessary measures to ensure that labour inspectors are relieved from any tasks which might be perceived as interfering in the activity of trade unions' and employers' organizations and therefore be prejudicial to the authority and impartiality necessary to inspectors in their relations with employers and workers.***

3. *Role of labour inspectors in conciliating and mediating labour disputes.* The Committee notes the information provided by the Government that, under section 150(d) of the new Labour Act, trade unions and employers' organizations are required to cooperate with the IGT in monitoring the implementation of the labour laws and collective labour regulatory instruments. It also notes that section 189 of the Act

stipulates that disputes arising from labour regulations may be submitted for labour conciliation and mediation before being referred to arbitration or the labour courts. ***The Committee requests the Government to clarify whether the conciliation process outlined in section 189 of the new Labour Act is carried out by the Labour Inspectorate. Additionally, it once again requests the Government to take the necessary measures, in law and in practice, to ensure that conciliation functions entrusted to labour inspectors do not interfere with the effective discharge of their primary duties or prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers. The Committee further requests the Government to indicate the number of individual and collective disputes addressed by the labour inspectorate.***

Articles 10, 11 and 16. Human resources and material means, including transport facilities. Coverage of workplaces by labour inspections. With regard to the current state of labour inspection services in terms of available human resources and material support, the Committee notes the Government's indication that the IGT: (i) currently employs 123 labour inspectors; (ii) operates without its own premises, sharing a building with the Ministry of Labour and Social Security; and (iii) has a total of 33 vehicles distributed nationwide. In this respect, the Committee notes with ***concern*** that the current number of labour inspectors is lower than the 135 reported in 2013. Regarding the reimbursement of expenses to inspectors, the Committee notes the Government's reference to Decree No. 95/2018 of 31 December, which establishes the rules and criteria for the allocation of daily and travel allowances for duty missions undertaken by State officials and agents. However, the Committee notes that this decree only covers reimbursement for travel on official missions, which are defined as those lasting at least eight hours and occurring beyond 40 kilometres from the employee's workplace, not covering expenses incurred by labour inspectors when using their own vehicles within their regular workplace. ***The Committee requests the Government to adopt measures to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate and to allow workplaces to be inspected as often and as thoroughly as necessary to ensure the effective application of legal provisions. It also requests the Government to provide information about further measures adopted to ensure that labour inspectors are reimbursed of any incidental expenses which may be necessary for the performance of their duties.***

Articles 14, 20 and 21. Publication and communication of an annual report on labour inspection. The Committee notes with ***interest*** the Government's submission of the annual labour inspection report, which provides information on the laws and regulations relevant to the work of the inspection service, the number of staff of the labour inspectorate, statistics of inspection visits, violations, penalties imposed and industrial accidents. However, the Committee notes that the report does not include statistics on the number of workplaces liable to inspection and the number of workers employed therein, and that the report indicates that no cases of occupational diseases were identified during the inspections. ***The Committee requests the Government to continue its efforts to ensure that annual labour inspection reports are prepared, published and transmitted to the ILO, in accordance with Article 20 of the Convention, and to ensure that such reports contain information on all the subjects listed under Article 21 of the Convention. In addition, the Committee requests the Government to provide information on the manner in which occupational diseases are notified to the labour inspectorate.***

The Committee is raising other matters in a request addressed directly to the Government.

Netherlands

Labour Inspection Convention, 1947 (No. 81) (ratification: 1951)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1973)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

The Committee notes the joint observations of the Netherlands Trade Union Confederation (FNV) and the National Federation of Christian Trade Unions (CNV) on Conventions No. 81 and No. 129 received on 28 August 2024.

Articles 3, 10 and 16 of Convention No. 81 and Articles 6, 14 and 21 of Convention No. 129. Number of labour inspectors and frequency of labour inspections to ensure the effective discharge of inspection duties. Further to its previous comment, the Committee notes the Government's information regarding the achievements of the Inspection Control Framework, which include: (i) restoring the balance between reactive and risk-based inspections; (ii) the Netherlands Labour Authority (NLA) participating in joint major hazard control inspections in 93 per cent of cases, alongside training programmes for new inspectors; (iii) advancing information-driven work, with the goal of establishing a fully controlled, data-driven approach by 2026; and (iv) increasing intervention coverage for fair work, with the enforcement rate for the initial occupational safety and health (OSH) inspections reaching the target value of 50 per cent in 2023, an improvement over 2022. The Committee also notes the statistics provided by Government, indicating that: (a) in 2023, there were 1,753 full-time labour inspectors, compared to 1,591 in 2022 and 1,510 in 2021; (b) 14,906 inspection visits were conducted in 2023 (398 in the agriculture sector), compared to 12,037 in 2022 (435 in agriculture) and 13,754 in 2021 (563 in agriculture); (c) 428,230 workplaces were liable for inspection (38,391 in agriculture), with 9.7 million workers employed; (d) 2,960 sanctions were imposed in 2023, compared to 3,156 in 2022 and 1,561 in 2021; and (e) 82,000 industrial accidents and 2,971 occupational diseases were reported in 2022. Additionally, the Committee notes the FHV and CNV's observation, stating that despite the small increase in the staff indicated by the Government, the Labour Inspectorate still does not have the capacity to properly perform its functions. ***The Committee requests the Government to continue adopting the necessary measures to ensure the inspectorate's capacity to carry out its primary functions as set forth in Article 3(1) of Convention 81 and Article 6(1) of Convention 129, and to inspect workplaces with the necessary frequency and thoroughness. It also requests the Government to continue to provide information on the total number of labour inspectors, inspection visits, workplaces liable to inspection and workers employed therein, violations detected and penalties imposed, as well as on the number of industrial accidents and occupational diseases. The Committee requests the Government to continue to specify in the requested information the statistics relating to the agricultural sector.***

Article 3(1) and (2) of Convention No. 81 and Article 6(1) and (3) of Convention No. 129. Functions of labour inspectors with regard to foreign workers. 1. *Enforcement of migrant workers' statutory rights*. In response to its previous comment, the Committee notes the Government's indication that the NLA enforces labour regulations without considering the migrant status of employees, and, as a result, does not record this information, making specific statistics on migrant workers unavailable. The Government also informs that joint inspections with the police are primarily organized to ensure the safety of inspectors, with police officers independently deciding if and how they will enforce the laws under their supervision. In cases of suspected human trafficking, alleged victims who submit complaints or signals to the Inspectorate are not reported to the Aliens, Identification, and Human Trafficking Department (AVIM) of the police. The Committee further notes the FNV and CNV's indication that migrant workers are disproportionately affected by the labour inspectorate's limited capacity, as enforcement of labour

rights often relies on trade unions, which are frequently denied access to workplaces in sectors with high numbers of migrant workers. These sectors remain largely unknown, and underfunding of the inspectorate exacerbates this issue by making violations less visible and underreported. The FNV and CNV also indicate that the Government fails to provide data on the actual enforcement of workers' rights. ***The Committee requests the Government to provide detailed comments in this respect. The Committee also requests the Government to provide further information on the actions undertaken by the labour inspectorate in the enforcement of employers' obligations towards migrant workers. In this respect, the Committee also refers to its comments under the Migration for Employment Convention (Revised), 1949 (No. 97).***

2. *Numbers and outcomes of judicial proceedings related to inspections or actions taken by labour inspectors*. The Committee notes the Government's indication that the Labour Inspectorate concluded four criminal investigations into labour exploitation, along with 37 investigations of serious detriment in 2022, and five criminal investigations into labour exploitation in 2023. The Government further informs that the NLA conducts criminal investigations into complaints and signals of labour exploitation under section 237f of the Criminal Code. However, it notes that not every complaint or signal leads to a criminal investigation, as cases may lack sufficient evidence and the Public Prosecutor's Office may decide to terminate the investigation. In such instances, reports can be pursued through administrative channels. ***The Committee requests the Government to provide further information on the number of judicial proceedings on all matters, including labour exploitation, resulting from inspections carried out or actions taken by labour inspectors. It also requests the Government to continue to provide information on the number and outcomes of administrative procedures conducted in relation to cases of labour exploitation.***

3. *Measures to strengthen labour inspection in temporary employment agencies*. The Committee notes that the Government informs that, following the recommendations of the Cabinet's advisory team formulated in 2020 to investigate the situation of migrant workers, a bill has been presented to introduce a 'reporting and verification obligation for notifiable occupational accidents by lending employment agencies', consisting of a legal obligation for employment agencies to report serious and fatal occupational accidents to the NLA, so that the agency can determine whether it is safe to return to work for the same hirer. The Government indicates that the aim is for this bill to come into force no later than 1 January 2026. In addition, the Committee notes the Government's indication that the Cabinet's advisory team recommendations have also led to the drafting of a bill introducing a public admission system for temporary labour services. Under this draft legislation, starting in 2026, temporary employment agencies will only be allowed to assign workers if they are officially approved by the Minister of Social Affairs and Employment. To obtain approval, agencies must periodically submit a standards framework report demonstrating compliance with labour, social security and tax regulations. They are also required to provide a Certificate of Good Conduct and prove financial security through a deposit. In addition, the Government informs that the Labour Inspectorate will supervise the compliance with these admission requirements and impose fines on noncompliant parties, and that the Labour Inspectorate's capacity will be increased to strengthen supervision. The Government informs that this bill was submitted to Parliament in October 2023 and is currently under discussion. ***The Committee requests the Government to continue to provide information on progress toward the adoption of the bills drafted following the recommendations of the 2020 Cabinet's advisory team, as well as on other relevant legislative developments or measures adopted in relation to the strengthening of labour inspections in temporary employment agencies, and the impact of these measures. The Committee also refers to its comments under Article 3 and Annex I, Article 3 of the Migration for Employment Convention (Revised), 1949 (No. 97).***

4. *Application of collective agreements to temporary posted workers*. The Committee notes the information provided by the Government that the primary responsibility for ensuring the application of collective agreements rests with social partners. It states that in the temporary employment sector, joint

bodies such as the Foundation for Compliance with the Collective Labour Agreement for Temporary Workers (SNCU) have been established to monitor compliance with these agreements. The Government further informs that, under section 10 of the Law on the Declaration of Universally Applicable Collective Agreement (AVV Act), social partners can request the NLA to initiate an investigation if there are indications that collective agreements are not being followed, and social partners or other concerned parties can submit a substantiated request to the NLA if they suspect violations of the Dutch Posting of Workers by Intermediaries Act (Waadi). ***The Committee requests the Government to provide further information on investigations conducted by the NLA related to alleged noncompliance of collective agreements regarding temporary posted workers, including the outcomes of such investigations. The Committee also requests the Government to indicate the number of cases of violations of the Waadi identified by labour inspectors, the investigations initiated, and the sanctions imposed.***

The Committee is raising other matters in a request addressed directly to the Government.

Niger

Labour Inspection Convention, 1947 (No. 81) (ratification: 1979)

Previous comment

The Committee takes note of Ordinance No. 2023-01 of 28 July 2023, which suspends the Constitution of 25 November 2010 and establishes the National Council for the Safeguard of the Homeland, as well as Ordinance No. 2023-02 of 28 July 2023, on the organization of public authorities during the transition period, as communicated by the Government. It notes that under Ordinance No. 2023-02, laws and regulations enacted and published as of the signing date of the ordinance remain in force unless expressly repealed (section 19). The Commission also notes that this Ordinance provides that Niger remains bound by ratified International Treaties and Agreements (section 3).

Article 3(2) of the Convention. Additional duties entrusted to labour inspectors. Further to its previous comments on the conciliation functions of labour inspectors under the Labour Code, the Committee notes the Government's indication in its report that conciliation is not a mandatory requirement. The Committee notes with ***concern***, however, that according to the Government these functions still currently constitute the bulk of labour inspectors' activities. The Committee also notes that, according to the 2022 annual labour inspection report, 888 out of 1,186 individual disputes reported were settled through conciliation, while labour inspections were conducted in 365 workplaces. The Committee recalls in this regard that, pursuant to *Article 3(2)* of the Convention, any further duties entrusted to labour inspectors in addition to their primary duties must not interfere with the discharge of the latter. ***The Committee therefore once again requests the Government to take the necessary measures to ensure that, in accordance with Article 3(2) of the Convention, the conciliation functions entrusted to labour inspectors do not pose an obstacle to the exercise of their primary functions. The Committee requests the Government to continue to report the time dedicated by labour inspection to the settlement of individual and collective disputes.***

The Committee is raising other matters in a request addressed directly to the Government.

Nigeria

Labour Inspection Convention, 1947 (No. 81) (ratification: 1960)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 20 and 21 of the Convention. Annual labour inspection report published by the central authority. The Committee notes that no annual labour inspection report has been received for many years, and that the Government does not provide any information in this regard in its report. ***The Committee expresses the***

firm hope that the Government will ensure that annual reports on labour inspection are published and communicated regularly to the ILO within the time limits set out in Article 20 of the Convention, and that they contain the information required by Article 21(a)–(g), in the near future. It encourages the Government to take the necessary measures in this respect. The Committee also reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Pakistan

Labour Inspection Convention, 1947 (No. 81) (ratification: 1953)

Previous comment

Articles 3, 4(2), 10 and 16 of the Convention. Effective organization of the labour inspection services and the supervision and control by central labour inspection authorities at the provincial levels. Number of labour inspectors and number and thoroughness of labour inspections. Additional duties of the labour inspectorate. In reply to the Committee's previous request, the Government provides in its report information on the organizational structure of the labour inspection services in Khyber Pakhtunkhwa (KPK) and the Islamabad Capital Territory (ICT). The Committee notes that detailed information is provided in the annual labour inspection report for 2022 and in the Government's report on notified posts for labour inspectors (both occupied and vacant) as well as on the number of workplaces liable to inspection and the number and types of conducted inspections. The Committee notes that while the number of workplaces subject to inspection has increased, there has not been a corresponding rise in the number of labour inspectors. At the same time, the Committee notes a decrease in the sanctioned posts of labour inspectors in Balochistan (from 141 in 2021 to 89 in 2022) and Sindh (from 212 in 2021 to 208 in 2022), as well as of mine inspectors in Punjab (from 24 in 2021 to 14 in 2022), Sindh (from 15 in 2021 to 9 in 2022) and KPK (from 27 in 2021 to 17 in 2022). With regard to measures taken to strengthen the authorities responsible for labour inspection, the Government indicates that efforts are under way to fill the vacant positions in the provincial Departments of Labour and Departments of Mines of KPK, ICT and Sindh. In this respect, the Committee notes that the number of vacancies in all provinces remains high and notes in particular that for Sindh there were 113 vacant positions in the Department of Labour, and for KPK there were 68 vacant positions in the Department of Labour and 62 in the Department of Mines in 2022. Regarding additional duties performed by the provincial labour inspectorates, the Government provides information only for KPK, according to which labour inspectors are not responsible for registering trade unions or conciliating labour disputes, tasks that fall under the purview of the Registrar of Trade Unions and Conciliator, respectively. ***The Committee urges the Government to continue to pursue its efforts to strengthen the authorities responsible for labour inspection in all provinces and to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate. Noting that most of the information provided by the Government refers to the period up to 2022, the Committee requests the Government to provide updated information on the number of sanctioned labour inspector positions, the number of posts occupied and those vacant in each province both under the Directorate of Labour and the Inspectorate of Mines. It also requests the Government to provide information on the measures taken to fill the vacant positions in each province and the results achieved. The Committee also requests the Government to provide information on inspectors ensuring the enforcement of occupational safety and health (OSH) provisions. Lastly, the Committee requests the Government to provide information on any additional duties performed by the provincial labour inspectorates (such as registration of trade unions and conciliation of labour disputes) in Punjab, Sindh, ICT, and Balochistan and to indicate the amount of time spent on these tasks.***

Articles 3(1)(a) and (b), 17 and 18. Labour inspection and OSH in the mining sector. The Committee notes the information provided in the annual labour inspection report for 2022 on labour inspection activities in the mining sector. It also takes due note of the relevant information provided by the Government regarding the province of KPK for 2023–24. According to the labour inspection report for 2022, there were 10 mine inspectors in Punjab, 5 in Sindh and 28 in Balochistan. With regard to KPK, the Committee notes an increase in mining inspectors, from 15 in 2022 to 23 in 2024. The Government indicates that the Department of Mines in KPK has introduced several measures to enhance OSH in the mining sector, including through improving mine management and supervision, upgrading safety equipment and infrastructure and providing several trainings on OSH. However, the Government reports that despite these efforts, the number of inspectors remains insufficient given the volume of mines and the associated workload and that the inspectors face challenges due to inadequate transportation and facilities. In this respect, the Committee notes that the only province where there were OSH inspectors in 2022 was Balochistan with 7 OSH inspectors. The Committee notes, that overall, the number of mine inspectors across the provinces remains very low compared to the vast number of mines, which employed around 300,000 workers in 2023 and have been a source of numerous accidents, as previously reported by trade unions. In this respect, the Committee notes that for Balochistan, out of the 64 mine accidents reported in 2022, 60 were fatal. With regard to KPK, 206 fatal accidents were reported from July 2023 to May 2024. ***The Committee urges the Government to take the necessary measures to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers employed in the mining sector. The Committee requests the Government to continue to provide information on the number of inspection staff working in the provincial Departments of Mines of Punjab, Balochistan and KPK, as well as in the Sindh Inspectorate of Coal Mines, the number of mines inspected, the number of violations detected, and the penalties applied, as well as the number of fatal and non-fatal accidents in the sector. The Committee also requests the Government to provide information on the measures taken to increase recruitment of mining inspectors in all provinces, and on any other measures taken to improve safety and health in the mining sector.***

Article 12. Free access of labour inspectors to workplaces. The Committee notes that the legislative provisions it previously referred to remain in force. In this respect, the Committee has been noting for several years that section 19 of the 2017 Sindh OSH Act restricts the conduct of inspection visits to "any reasonable time" (and only permits entry "at any time" in situations that are or may be dangerous). It also has noted that the 2019 Punjab OSH Act did not contain any provisions related to the power of labour inspectors to freely enter workplaces liable to inspection without prior notice. The Committee also noted that the provisions on the powers of inspectors in the Factories Act of 1934, the Sindh Factory Act of 2015 and the KPK Factories Act of 2013, although providing that inspectors may enter establishments as they think fit, do not specifically refer to entry without prior notice (section 11 of the Factories Act of 1934, section 12 of the KPK Factories Act and section 13 of the Sindh Factories Act). The same applies for section 11 of the new Balochistan Factories Act, 2021. The Committee notes that the Government reiterates that labour inspectors may enter workplaces freely and without previous notice in all provinces and indicates that in 2023 there were 75,219 unannounced inspections conducted in KPK, 11,213 in Balochistan and that in Punjab most inspections are unannounced. While noting these indications, the Committee notes with ***concern*** that the legislative provisions mentioned above are not in full compliance with *Article 12(1)* of the Convention, which provides that labour inspectors shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection. ***The Committee once again requests the Government to take the necessary measures to ensure that labour inspectors in all provinces are empowered in law and practice to enter any workplace liable to inspection freely and without previous notice at any hour of the day or night, as provided for in Article 12(1) of the Convention. The Committee recalls that the Government can avail itself of the technical assistance of the Office in this respect. The Committee also requests the***

Government to provide information on any rules (or legislation) adopted that impact on the exercise of the powers of inspectors referred to in section 11 of the Factories Act of 1934, section 12 of the KPK Factories Act, section 13 of the Sindh Factories Act, and section 11 of the Balochistan Factories Act, 2021. The Committee also requests the Government to continue to provide information on the number of inspections conducted with and without prior notice.

Article 14. Notification of industrial accidents and cases of occupational diseases. The Committee notes that the labour inspection report for 2022 includes information on the number of accidents and diseases notified to the Departments of Labour and the Departments of Mines in all provinces, but not for ICT. The Committee notes that, according to the 2022 labour inspection report, the total number of accidents reported remains high (1,424 in total for the four provinces in 2022) and in particular that in Punjab the number of reported accidents to the Department of Labour increased from 981 in 2021 to 1,208 in 2022. The Government indicates that the Labour Departments of ICT and Balochistan report no increase on occupational accidents for 2023, while the Labour Department of KPK reported 27 occupational accidents for 2023–24, all of which were fatal. The Committee also notes that according to the labour inspection report for 2022, no occupational disease was reported in the provinces of KPK and Balochistan, while the Department of Labour in Sindh reported one case and the Department of Mines in Punjab reported nine cases. According to the information provided by the Government in its report no occupational diseases were reported in KPK for 2023-2024 and 71 occupational diseases were reported in 2023 in Balochistan (this represents a sharp increase from zero occupational diseases reported for 2019–21). Concerning measures taken to improve the notification of occupational accidents in all provinces, the Government indicates that the online accident reporting mechanism linked with Punjab Employees' Social Security Institution facilitates the collection of accident statistics. It also notes the Government's indication that in KPK the draft new rules under the Factories Act and the Employees Social Security Act are in the final stages of notification, aiming to improve the reporting of fatal and non-fatal accidents. ***The Committee requests once again that the Government take measures to improve the notification of occupational accidents in all provinces, to ensure the notification of both fatal and non-fatal accidents, and to improve the detection and identification of cases of occupational diseases as well as their notification to the labour inspectorate and provide information on the measures taken in this respect. The Committee requests the Government to continue to provide statistical information on the number of industrial accidents for all provinces and provide the reason for the sharp increase in Punjab. Noting once again that there is no available information on occupational diseases for all provinces, the Committee requests the Government to provide detailed statistical information on the number of occupational diseases notified in each province. The Committee requests the Government to provide information on the reason of the increase of occupational diseases reported in Balochistan. It requests the Government to provide information on progress made with regards the formulation of new rules aiming to improve reporting under the Factories Act and the Employees Social Security Act in KPK.***

Article 18. Obstruction of labour inspectors in the performance of their duties. The Government indicates that no instances of obstruction have been encountered during labour inspections in ICT, Balochistan and Punjab. The Committee notes that in KPK, a Data Administrator has been appointed to revitalize the Labour Management Information System of the Department of Labour, which will include a proforma for documenting obstruction incidents. ***The Committee requests the Government to provide information on any cases reported in Sindh and KPK, including the outcome of the cases and the specific penalties applied (including the amount of fines imposed). The Committee requests the Government to provide information on the progress made by the Department of Labour of KPK with regards to its efforts to integrate a proforma for documenting obstruction incidents.***

The Committee is raising other matters in a request addressed directly to the Government.

Paraguay

Labour Inspection Convention, 1947 (No. 81) (ratification: 1967)

Previous comment

The Committee notes the observations of the International Organisation of Employers (IOE), received on 30 August 2024, in which it expresses the hope that progress will be achieved in the application of Convention No. 81 in Paraguay, in line with the conclusions of the Committee on the Application of Standards and within the framework of close consultations with the most representative employers' organization in the country.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the 2024 conclusions of the Committee on the Application of Standards (the Conference Committee) on the application of Convention No. 81 by Paraguay, in which it urged the Government to:

- intensify efforts to ensure that: (i) the number of serving labour inspectors is sufficient to enable the efficient and effective functioning of the inspection services, including in areas which are underserved at present; and (ii) labour inspectors are provided with material, operational, financial, administrative and logistical resources necessary for the performance of their duties;
- ensure that all labour inspectors are appointed as public officials on a permanent basis in order to secure their stability of employment and continue to ensure that their salaries and benefits are at least commensurate with the remuneration arrangements in place for other public officials;
- promote the effective functioning of the inspection system by removing the legal and practical constraints that hinder the effective work of labour inspectors, in order to, among other things, ensure that labour inspectors are empowered to make visits without previous notice and without requiring prior authorization from a higher authority, and that they are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions, in line with the Convention.

The Conference Committee also requested the Government to avail itself of ILO technical assistance to implement the recommendations of the Conference Committee and to ensure full compliance with its obligations under the Convention in law and practice.

The Committee notes that the Government requested the technical assistance of the Office for the revision of the Manual of Labour Inspection and Control Procedures of the Ministry of Labour, Employment and Social Security (MTESS), as approved by Decision MTESS No. 346/2024, of 21 May 2024 and that the assistance has been provided. ***The Committee invites the Government to continue requesting the ILO technical assistance that it considers necessary to address the points raised in the conclusions of the Conference Committee and in the Committee's current comment.***

Articles 6 and 7 of the Convention. Legal status, conditions of service and recruitment of labour inspectors. With reference to its previous comments, the Committee notes the Government's indication in its report that: (i) the labour inspectors recruited in 2015 were included in the process to improve job security in 2023 and they were granted an increase in their earnings when they entered the institution; (ii) two of the inspectors recruited in 2015, who were trained by the ILO in 2016 and 2017 and provided with job security in 2023, have been promoted and are now in the positions of Director of Labour and Occupational Safety Inspection and Head of the Labour Inspection Department, respectively; (iii) Decision No. 331 of 17 May 2024 of the MTESS updated and formalized the appointment of 15 MTESS inspectors; and (iv) a budgetary increase for the recruitment of 25 new inspectors as permanent MTESS officials was requested on 24 May 2024. The Government indicates that the request is currently being

considered by the General Directorate of the Budget and Technical Coordination and requires authorization by the National Congress.

With reference to the wage scale of inspectors in comparison with other officials engaged in similar duties, the Government indicates that that an MTESS labour inspector currently earns in average 5,500,000 Paraguayan guaranies (approximately US$708). Inspectors also receive 1,650,000 guaranies (approximately US$212) a month in bonuses, resulting in average monthly earnings of 7,150,000 guaranies (approximately US$920). In comparison, according to the data published by the Ministry of Trade and Industry (MIC) of Paraguay, an MIC inspector receives an average of 3,518,750 guaranies (approximately US$453). The Government adds that Parliament is examining a new law on the public service, which would establish general provisions governing the public service, including professional careers. ***Noting the budgetary request for the recruitment of 25 additional inspectors, the Committee requests the Government to provide information on the progress achieved in this regard, the modalities of their recruitment and on the type of contract granted, once the request has been approved. It also requests the Government to provide information on the progress achieved in the adoption of the law on the public service and to indicate the manner in which this law ensures that the conditions of service of labour inspectors are such that they are assured of stability of employment and are independent of changes of government and of improper external influences, as required by Article 6 of the Convention.***

Articles 10 and 11. Number of labour inspectors. Material conditions of work. With reference to its previous comments, the Committee notes the Government's indications that: (i) the total number of labour inspectors currently authorized by the MTESS is 22 (during the discussion in the Conference Committee, the Government indicated that there were 15 inspectors); (ii) 17 inspectors are assigned to the capital district and five to the rest of the country, with two inspectors in the Department of Alto Paraná, one in the Department of Paraguarí, one in the Department of Cordillera and one in the Department of Ñeembucú; and (iii) the 17 inspectors assigned to the capital district carry out missions throughout the national territory as geographical distances in Paraguay are not very great and a labour inspector can travel from the capital to any part of the country in a few hours. The Government emphasizes that the assignment of inspectors is not strictly necessary in all departments of the country. In this regard, the Committee emphasizes that *Article 10* of the Convention provides that the number of labour inspectors shall be determined with due regard for: the number, nature, size and situation of the workplaces liable to inspection; the number and classes of workers employed in such workplaces; the number and complexity of the legal provisions to be enforced; the material means placed at the disposal of the inspectors; and the practical conditions under which visits of inspection must be carried out in order to be effective.

With reference to material resources, the Government indicates that: (i) the MTESS makes available to labour inspectors official vehicles with designated drivers, together with the necessary fuel to transport them to the place where they are to carry out the inspection; and (ii) depending on the location of the inspection, appropriate vehicles are assigned, with cars and minibuses being provided for urban areas and 4x4 cars for rural areas, areas that are difficult to access and the interior of the country.

While noting the request made for the recruitment of 25 additional inspectors (which would supplement the 22 who already exist), the Committee urges the Government to take the necessary measures to ensure that the number of inspectors is sufficient for the effective discharge of inspection duties and to provide information on this subject. In this respect, the Committee requests the Government to take the necessary measures to ensure the adequate coverage of the national territory (which consists of over 400,000 square kilometres) in light of the elements set out in Article 10 of the Convention. In this regard, the Committee requests the Government to provide statistics on workplaces liable to inspection and their location. It also requests the Government to provide detailed information on the number of vehicles allocated to labour inspectors and the measures adopted to guarantee the

reimbursement of expenses incurred by labour inspectors in the performance of their duties, in accordance with Article 11(2) of the Convention.

Articles 10, 11, 12, 16 and 18. Inspections in the Chaco region. The Committee notes the Government's indication, in reply to its previous comment, that during the period between August 2023 and August 2024, one inspection was carried out in the Department of Presidente Hayes (Western region) or Chaco. With reference to the number of violations detected and penalties imposed, the Government refers to the rulings on the execution of sentences issued in relation of the fines handed down by the Labour Administration Authority (AAT) for employers located in the Western region (until August 2024). The Committee observes that, according to the document provided by the Government, since 2011 only six rulings for the execution of sentences have been issued for violations of labour legislation and that the latest fine that gave rise to a ruling was issued in 2018. The Committee also notes that, according to the above information, there ae currently no inspectors in the Departments of Boquerón, Alto Paraguay and Presidente Hayes, which are covered by the Chaco region. The Committee recalls that, in the context of its supervision of the Forced Labour Convention, 1930 (No. 29), the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the Worst Forms of Child Labour Convention, 1999 (No. 182), it has repeatedly emphasized the need to reinforce labour inspections in this region to prevent and combat violations of the labour rights of indigenous peoples and hazardous child labour practices in the domestic service sector (the "criadazgo" system). ***The Committee notes with concern the very limited number of inspections carried out and penalties imposed in this region. The Committee considers that this could be caused by the absence of inspectors in the region and urges the Government to allocate a sufficient number of inspectors to cover this area of the country and ensure that the inspection staff have at their disposal the material and financial resources necessary to ensure the effective application of the relevant legal provisions. The Committee also requests the Government to continue providing information on the number of inspections carried out in the area, the number of violations detected and the penalties imposed.***

Articles 12, 13, 16 and 18. Restrictions on the powers of inspectors. Prevention activities in relation to occupational safety and health (OSH). Effectively enforced penalties. The Committee notes with ***satisfaction*** the repeal of Decisions Nos 47/2016 and 56/2017 and of sections 3 and 4 of Decision MTESS No. 29/2023 which imposed limits on the powers of labour inspectors and the conduct of inspections. The Committee also notes the adoption of the Manual of Labour Inspection and Control Procedures (approved by Decision MTESS No. 346/2024). However, the Committee notes with ***concern*** that the Manual continues to set out limitations on the powers of inspectors, namely: (i) part 2 on the planning of inspections does not indicate that inspections can be initiated freely by the inspector; (ii) inspections have to be authorized by the Director-General of Inspection by means of an inspection order (section 2.10); (iii) inspections can only be carried out during the hours when work is performed (section 3.9); (iv) inspectors are required to notify their presence to the employer at the beginning of the inspection (section 3.10); (v) in the event of failure to comply with OSH requirements, the inspector first issues a notice with a request to remedy the defects (section 3.27), and only if this is not given effect and the infringement involves danger to the health and safety of the workers may the inspector issue an order to suspend the work (section 3.31); and (vi) a long period is envisaged (up to six days) for the approval of the suspension order by the competent authorities (section 3.44). The Committee notes that, in the event of an imminent threat to the health and safety of workers, this delay can have serious consequences. ***While noting the efforts made by the Government to repeal the former decisions and the request that has been made for technical assistance, the Committee requests the Government to take the necessary measures without delay to ensure that labour inspectors provided with proper credentials can: (i) enter freely and without previous notice at any hour of the day or night any workplace liable to inspection, without the need to obtain prior authorization (Article 12(1)(a)); (ii) choose not to notify the employer or their representative of their presence if they consider that such notification may be prejudicial to the performance of their duties, in accordance with Article 12(2);***

and (iii) undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions (Article 16). The Committee also requests the Government to take the necessary measures to ensure that labour inspectors are empowered to take measures with immediate executory force in the event of imminent danger to the health or safety of the workers, in accordance with Article 13 of the Convention.

With reference to its previous comment concerning the number of inspections carried out without prior authorization, the Committee notes the Government's indication that, between August 2023 and July 2024, a total of 458 labour inspection activities were carried out in relation to enterprises in the capital district and the rest of the country. Of the inspections carried out, a total of 80 unannounced inspections were initiated and notified on the grounds of non-compliance with labour provisions by the enterprises. The Government adds that the failure to comply with labour provisions resulted later, following an administrative notice, in penalties and fines. However, the Government has not provided information on the number of penalties effectively imposed. ***The Committee once again requests the Government to provide statistics on the number of inspections carried out by labour inspectors without pervious notice, and statistics on the number of penalties issued in practice.***

The Committee is raising other matters in a request addressed directly to the Government.

Peru

Labour Inspection Convention, 1947 (No. 81) (ratification: 1960)

Previous comment

The Committee notes the observations of the National Confederation of Private Business' Institutions (CONFIEP), received on 29 August 2024. The Committee also notes the joint observations of the Autonomous Workers' Confederation of Peru (CATP) and Single Union of Inspectors and Workers of the National Superintendence of Labour Inspection (SUIT SUNAFIL), received on 1 September 2024.

Article 6 of the Convention. Status and conditions of service of labour inspectors. Further to its previous comments, the Committee notes the Government's indication in its report that: (i) under Circular No. 3554-2024-SERVIR-GDSRH, the presentation to the National Civil Service Authority (SERVIR) of the employee table was scheduled for 20 August 2024; (ii) civil servants entering the civil service regime will be protected, safeguarding their full right to stability of employment on the basis of meritocracy; and (iii) as the transition is under way, no information is yet available on the impact of the integration of the labour inspectorate into the new civil service regime, nor information to compare the situation of inspectors with that of public servants who perform similar functions.

The Committee notes that, in its observations, CONFIEP indicates that the process of transferring labour inspectors to the civil service regime must be finalized and technical training must be provided in order to increase the effectiveness and efficiency of labour inspections. In their joint observations, CATP and SUIT SUNAFIL indicate that: (i) the 100 auxiliary inspectors who obtained a post in the Metropolitan Lima office through public competition in 2020 are still subject to job instability and the threat of dismissal despite already having four years of service, following the declaration of the competition to be null and void and further to the call for a new public competition; (ii) while inspectors are currently still subject to a permanent labour contract under Legislative Decree No. 728, the transition to the regime set out in Act No. 30057 of 3 July 2013 on the civil service aims to reduce the working conditions of workers and even to undermine stability of employment of the inspectorate; and (iii) the wage scale of SUNAFIL officials has not been updated since 2013 despite the increase in the price index, thus generating a loss in purchasing power. ***The Committee requests the Government to provide its comments in this respect. The Committee once again urges the Government to take the necessary measures to: (i) swiftly complete the process to transfer labour inspectors to the civil service regime, in consultation with the most representative employers' and workers' organizations, and to provide***

information on the progress achieved in this respect; and (ii) ensure that the process provides for conditions of service of labour inspectors that guarantee stability of employment and are independent of changes of government and of improper external influences. The Committee also once again requests the Government to provide information on the impact that the integration of the labour inspectorate into the new civil service regime has on the conditions of service, salary scales and career prospects of staff of regional governments with inspections functions, especially in comparison with categories of public servants who carry out similar functions in other government services, such as tax inspectors or police officers.

Articles 10 and 16. Number of labour inspectors, frequency and thoroughness of labour inspections to ensure the effective application of the relevant legal provisions. Further to its previous comment, the Committee notes the Government's indication that the number of inspection visits was 48,247 in 2023. With regard to the informal economy, the Government indicates that labour inspections are conducted with regard to any subjects that are bound by an employment relationship, and that the information provided does not make a distinction as to formality or otherwise of these relationships. The Committee notes that, in their joint observations, CATP and SUIT SUNAFIL state that, as of August 2024, the number of labour inspector is 773 (74 supervisors, 278 labour inspectors and 421 auxiliary inspectors), which remains insufficient. In this respect, they indicate that there are currently 14 labour inspectors on unpaid leave due to the fact that they opted to move to other public bodies where the pay is higher and they are not subject to SUNAFIL'S exclusivity of functions which prevents them from discharging other paid activities in addition to their inspection functions. Furthermore, CATP and SUIT SUNAFIL reiterate that, given the scarcity of labour inspectors, there is no permanent and frequent inspection system in place, and they refer once again to section 3 of Supreme Decree No. 007-2017-TR of 31 May 2017, amending the Regulations to the General Labour Inspection Act (adopted by Supreme Decree No. 019-2006-TR of 28 October 2006), which prohibit two repeated inspections in the same tax year on the same issues and in the same workplace, except in certain cases. ***The Committee requests the Government to provide its comments in this respect. The Committee also requests the Government to take the necessary measures to ensure that: (i) the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate (Article 10 of the Convention); and (ii) workplaces are inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions (Article 16 of the Convention). The Committee also requests the Government to continue providing information on the number of labour inspectors and of inspection visits carried out disaggregated by region and industry or specific activity as far as possible. The Committee also requests the Government to strengthen its efforts to ensure that the collection of statistics on inspection covers the formal and informal sectors separately.***

Articles 12(1)(a) and (c), and 15(c). Scope of the right of free entry of labour inspectors into workplaces liable to inspection. Further to its previous comments, the Committee notes the Government's indication that, although inspections may be based on an order from a higher authority, this does not mean that inspection staff can exercise their powers and competences only upon such an order. The Government also indicates that, in accordance with section 12(1) of the Regulations to the General Labour Inspection Act, inspections of workplaces are carried out by one or more labour inspectors without prior notice and may be extended for as long as is necessary. In this regard, the Committee notes that, in their joint observations, CATP and SUIT SUNAFIL reiterate that the general rule remains that labour inspectors can only take action further to an inspection order issued by the management bodies and within the limits of such an order, and that they can only take their own initiative in exceptional cases that are severely restricted and are subject to formalities that hamper or discourage such action. The Committee notes that CONFIEP indicates in its observations that it does not consider it necessary to amend Act No. 28806 on General Labour Inspection, adopted on 19 July 2006, as its purpose is to avoid the arbitrary initiation of ex officio inspections and to therefore enable inspections to be carried out ex officio provided that

the internal regulations concerning the issuance of inspection orders, which requires a higher authority order, are followed.

The Committee notes that sections 10 to 13 of the General Labour Inspection Act, under which inspections are subject to an order issued by a higher authority, have not yet been amended, and notes that section 9 of the Regulations to the General Labour Inspection Act stipulates that inspections are initiated by decision of a higher authority and may only be initiated by the inspectors in certain specific cases, after it has been endorsed by the competent labour inspectorate official. The Committee recalls that the different restrictions placed in law or in practice on inspectors' right of entry into workplaces can only stand in the way of achieving the objectives of labour inspection as set out in the instruments (2006 General Survey on labour inspection, paragraph 266). ***The Committee once again urges the Government to take the necessary steps, in consultation with the most representative employers' and workers' organizations, to ensure, in law and practice, the right of labour inspectors to enter freely any workplace liable to inspection, and that inspections are not subject to an order issued by a higher authority.***

The Committee is raising other matters in a request addressed directly to the Government.

Poland

Labour Inspection Convention, 1947 (No. 81) (ratification: 1995)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1995)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

The Committee notes the observations from the Independent and Self-Governing Trade Union "Solidarność" (Solidarność) on Conventions Nos 81 and 129, received on 6 September 2024, and the Government's reply thereto.

Articles 12(1) and (2) of Convention No. 81 and Articles 16(1) and (3) of Convention No. 129. Right of inspectors to enter freely and without prior notice at any hour of the day or night any workplace liable to inspection. Following its previous comment, the Committee notes that the Government reiterates in its report that section 24 of the Law of 13 April 2007 on the State Labour Inspection constitutes *lex specialis* that takes precedence over the provisions of Chapter 5 of the Entrepreneurs Law. Therefore, according to the Government: (i) the provisions of the Entrepreneurs Law restricting the possibility to conduct inspections without prior notice (section 48) and providing for inspections to be carried out only during working hours (section 51) do not apply to labour inspections; and (ii) by virtue of section 24 of the Law on the State Labour Inspection, labour inspectors are empowered to carry out inspections of compliance with the provisions of the labour law without prior notice and at any time of the day or night. The Committee also notes the Government's indication that a proposed amendment to the Entrepreneurs Law foresees the exclusion of the obligation to apply Chapter 5 of this Law with regard to inspections conducted on the basis of the Law on the State Labour Inspectorate. In addition, the Government indicates that the proposed amendment would also concern the Law on the State Labour Inspectorate and would repeal section 24, paragraphs 3–7 which provide for the obligation of labour inspectors to present the authorization for inspection to the entrepreneur on the occasion of the inspection visit. In its observations, Solidarność indicates that the adoption by the Sejm (lower chamber of the Parliament) of the bill including these two amendments was supported in a joint position by all representative trade union organizations. The adoption of the bill would put an end to doubts concerning the scope of restrictions on inspections carried out by the Labour Inspectorate at entrepreneurs. The bill was

submitted to the Sejm on 16 May 2024 and, according to the trade union, at a meeting of the Parliamentary Committee for Petitions on 9 May 2024, a representative of the Ministry of Development and Technology presented a negative position on the draft. ***While noting these developments and in the interest of legal certainty, the Committee urges the Government to pursue every effort in the amendment of the Entrepreneurs Law and the Law on State Labour Inspectorate in order to ensure that: (i) labour inspectors with proper credentials are empowered to enter freely any workplace liable to inspection, in accordance with Article 12(1) of Convention No. 81 and Article 16(1) of Convention No. 129; and (ii) on the occasion of an inspection visit, inspectors can decide not to notify the employer or his representative of their presence, if they consider that such a notification may be prejudicial to the performance of their duties in accordance with Article 12(2) of Convention No. 81 and Article 16(3) of Convention No. 129. The Committee requests the Government to provide information on the progress achieved in this regard.***

Article 3(1) and (2) of Convention No. 81 and Article 6(1) and (3) of Convention No. 129. Additional functions entrusted to labour inspectors, and labour inspection activities for the protection of migrant workers in an irregular situation. Following its previous comment, the Committee notes with ***concern*** the Government's indication that if in the course of the control the labour inspector discovers that a foreign worker is staying illegally in the country, it becomes necessary to notify the Border Guard. The Government also indicates that labour inspectors mostly conduct control activities independently in situations where the illegal entrustment of work to a foreigner results from the lack of a proper work permit, when a foreigner worker performs work under conditions other than those specified in the work permit, or when a contract with the foreigner has not been concluded in writing. The Government further indicates that in 2023, labour inspectors carried out 9,138 controls on the legality of employment and performance of work by foreigners and that in 9 cases they found foreigners staying illegally on the territory of the Republic of Poland. The Committee notes the Government's indication that, in the course of these controls, legal measures concerning the payment of remuneration for work and other work-related benefits were not issued in relation to these foreign workers and the legitimacy of concluding a civil law contract was questioned. The Committee recalls that the primary duty of labour inspectors is to secure the enforcement of legal provisions relating to conditions of work and the protection of workers and not to enforce immigration law. Workers in a vulnerable situation may not be willing to cooperate with the labour inspection services if they fear negative consequences as a result of inspection activities, such as the loss of their job or expulsion from the country (2017 General Survey on occupational safety and health, paragraph 452). ***Therefore, the Committee urges once again the Government to take the necessary measures to ensure that the additional functions assigned to labour inspectors do not interfere with the main objective of labour inspectors, which is to provide for the protection of workers in accordance with Article 3(1) of Convention No. 81 and Article 6(1) of Convention No. 129. With reference to its comment under the Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 to the Forced Labour Convention, the Committee requests the Government to adopt the necessary measures to ensure that migrant workers in an irregular situation are granted their due rights (including the payment of outstanding wages and social security benefits and orders for establishing an employment contract) or have their situation regularized following the inspection visit. The Committee requests the Government to continue to provide information on the number of migrant workers found in an irregular situation during inspections and on the actions adopted by labour inspectors, including the number of cases notified to the Border Guard.***

Articles 5(a), 17 and 18 of Convention No. 81 and Articles 12, 22 and 23 of Convention No. 129. Sanctions and effective enforcement. Cooperation between the inspection services and the judiciary. Following its previous comment, the Committee notes the Government's indication that in 2023 there were 711 cases referred to the prosecutors, of which 195 cases were opened for investigation, 56 cases were refused initiation of proceedings, 133 proceedings were discontinued and 18 proceedings were suspended. The Government further indicates that there were 63 indictments sent to court, 3 cases in which a custodial

sentence was ordered and 17 fines issued, for a total amount of 56,200 Polish zloty (approximately US$14,000). The Government also indicates that one of the main difficulties encountered by labour inspectors in their cooperation with the prosecutor's office was the refusal to initiate proceedings and discontinuation of proceedings. The main reason for this was the statement that the act does not contain the features of a prohibited offence (section 17(1), item 2 of the Code of Criminal Procedure) or that there is no data sufficiently justifying the suspicion that a prohibited offence has been committed (section 17(1), item 1 of the Code of Criminal Procedure). The Government further indicates that the largest number of notifications to the public prosecutor's office on suspicion of an offence concerned thwarting or obstructing inspectors in the performance of their duties. Notices to the public prosecutor's office shall be sent in those cases in which labour inspectors are not able to carry out inspections and therefore issue legal measures due to the inspected entities not receiving summonses and demands, not providing documents for inspection, not appointing persons representing the inspected entity, not answering telephones, or avoiding contact with the labour inspector in any other possible way. The Government indicates that one of the main problems is the registration of conducted activity at the address of virtual offices, which in practice constitutes a significant obstacle for the labour inspector to prove that the summoned person received the demand or summons, and consequently for the prosecution to assume that the summoned person intentionally and consciously obstructed the control by not appearing at the inspector's summons and not presenting the requested documents. Concerning the measures to improve the cooperation between authorities, the Government indicates that joint meetings and trainings of labour inspectors serve for mutual exchange of experiences. The Committee also notes that Solidarność reiterates the view that the penalties for violations are too low. Given the significant increase in prices in the last few years, for most employers the fine (also at the upper limit of the maximum amount) can be hardly considered severe and is inadequate to the scale of the offences committed. According to the trade union, this makes it a good bargain for some employers to pay the fine and continue with the infringements. In its reply, the Government concurs with the trade union's view that penalties are inadequate to ensure a deterrent effect, particularly with regard to violations related to the employment of foreign workers. In this regard, the Government refers to: (i) the planned amendment of the Act on the conditions of access of foreigners to the Polish labour market, which provides for the increase of the upper limit of fines; and (ii) the creation of a team consisting of representatives of the Ministry of Family, Labour and Social Policy, the Chief Labour Inspectorate and the Chancellery of the Sejm, which will review the labour inspection system, including the system of fines. ***The Committee requests the Government to take the necessary measures to further improve collaboration between the prosecutor's office and the labour inspectorate, in particular with regard to the issues flagged by the Government in relation to cases of alleged obstruction to labour inspectors. The Committee requests the Government to continue to provide statistics on the number of notifications made to the public prosecutor's office, the number of such notifications which resulted in proceedings, and the results of such proceedings. The Committee requests the Government to take the necessary measures in order to ensure that national legislation provides for adequate penalties for violations, and that these penalties are sufficiently dissuasive. In this respect, the Committee requests the Government to provide information on the reform of the Act on the conditions of access of foreigners to the Polish labour market and on the progress achieved in the reform of the labour inspection system. Noting the absence of information in this regard, the Committee requests that the Government provide information on the low number of sentences and the small amount of fines imposed, and on measures taken or envisaged to increase sanctions for OSH violations.***

The Committee is raising other matters in a request addressed directly to the Government.

Qatar

Labour Inspection Convention, 1947 (No. 81) (ratification: 1976)

Previous comment

Technical cooperation. Following its previous comments, the Committee notes the information provided in the report of the Government concerning the implementation of phase two of the technical cooperation programme between the Government and the International Labour Organization (ILO) (2021–23), including its second pillar, which concerns the enforcement of labour law and access to justice. The Committee also notes the Government's indication that additional training support has been provided to labour inspectors, including in the field of occupational safety and health (OSH). Regarding the implementation of the labour inspection policy adopted by the Ministry of Labour in 2019, the Government refers to training provided to labour inspectors on different issues in the period 2019–21, including on accident investigation and OSH in construction, and on systems and methods adopted by other countries. ***The Committee requests the Government to provide further information on the outcomes achieved through the implementation of the labour inspection policy, outside of training. The Committee also requests the Government to provide information on the activities undertaken during the third phase of the technical cooperation programme (2024–28) and regarding their impact on the labour inspection system.***

Articles 3, 12 and 16 of the Convention. Sufficient number of labour inspections and coverage of workplaces. Following its previous comments on the high frequency of wage protection violations detected compared to labour and OSH violations, the Committee notes the Government's indication that the Wage Protection System (WPS), an electronic monitoring system, plays a pivotal role in detecting violations and imposing penalties on establishments that are in arrears in the payment of wages. The Government indicates that establishments are checked and monitored through the WPS and that non-compliant establishments are inspected, with legal measures taken against them. Conversely, according to the Government, the reason for the low detection rate in labour and OSH inspections could be that a large proportion of establishments are abiding by the provisions of the Labour Code and its executive orders. Regarding the WPS, the Committee notes that, according to the progress report of November 2023 on the technical cooperation programme, the WPS detects cases of non-payment of wages or payments falling below the minimum wage, but cannot yet detect whether wages paid are less than those specified by employment contracts. Regarding the activities of the strategic unit of the labour inspectorate, the Committee also notes the Government's indication that the strategic plan for labour inspectors focuses on data collection and analysis and that the main activities of the unit relate to various forms of qualification and training for labour inspectors. The Government also indicates that the functions of the strategic unit have been transferred since 2021 to the Planning and Quality Department in cooperation with the Labour Inspection Department, to develop inspection plans, objectives and programmes.

The Committee notes the information provided by the Government regarding statistics on labour inspection visits. The Committee observes that, according to the annual labour inspection report of 2022, 39,216 field inspection visits have been conducted in December 2022, with 7,467 resulting in the detection of violations, 4,794 in the giving of advice and guidance, and 26,955 in findings of compliance. However, the Committee notes with ***concern*** that, according to the Government, all inspections are undertaken with prior notice. The Committee recalls in this respect that, in accordance with *Article 12*, labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection. ***The Committee requests the Government to take the necessary measures to ensure that, in law and in practice, labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection. It requests the Government***

to indicate the measures taken in this regard. The Committee also requests the Government to provide further information on the labour inspection plans, objectives and programmes developed by the Planning and Quality Department and their impact on the effectiveness and efficiency of labour inspection. The Committee requests the Government to indicate the measures taken to ensure that labour inspection visits on wage issues also cover workplaces falling outside the coverage of the WPS.

Articles 5(a), 17, 18 and 21(e). Effective cooperation between the labour inspectorate and the justice system, legal proceedings and effective enforcement of adequate penalties. Following its previous comments on measures taken to strengthen the effectiveness of enforcement mechanisms, the Committee notes the indication of the Government that a specialist team has been formed within the Labour Inspection Department to follow-up more accurately on the rulings issued, which would make it easier to know the outcome of cases referred to the judiciary. In this respect, the Committee observes that the annual labour inspection report of 2022 does not appear to contain information on the outcomes of cases referred to the courts, including penalties imposed or appeals. ***In the absence of information on this issue, the Committee requests the Government to continue to take all necessary measures to promote effective collaboration between the labour inspectorate and the justice system and to provide specific information on measures taken in this regard. The Committee once again requests the Government to provide specific information on the implementation of the Memorandum of Understanding on information-sharing between the Ministry of Administrative Development, Labour and Social Affairs and the Supreme Judicial Council, and on the outcome of cases referred to the judiciary by labour inspectors through infringement reports.***

Articles 5(a), 9 and 13. Labour inspection in the area of OSH. Following its previous comments, the Committee notes the statistics in the annual labour inspection report of 2022, indicating that 850 non-fatal occupational accidents and 63 fatal occupational accidents have been recorded in 2022. The annual labour inspection report of 2022 also indicates that a total of 19,630 inspection visits were conducted in the area of OSH, resulting in 5,559 violations identified with measures imposed. The Committee also notes that, according to the Government, 245 reports and closure decisions have been issued between 1 January and 31 August 2023 pursuant to section 100 of the Labour Law, which provides for the authority of inspectors to prepare an urgent report, to be referred to the Minister, for closure of a workplace until the hazard is removed.

Regarding the legislation on heat stress, the Committee notes the information provided on measures taken by the Government, including awareness-raising and the issuance of Ministerial Resolution No. 17 of 2021 concerning the requisite precautions for protecting workers from the dangers of heat stress. The Government indicates that pursuant to this Ministerial Resolution, worksites are inspected and shut down in accordance with the Ministerial Decree on heat stress and working hours, if violations are found. In this regard, the progress report of November 2023 on the technical cooperation programme indicates that a targeted inspection campaign, focusing on construction worksites, the agricultural sector, delivery companies and the industrial sector, led to 504 worksites being shut down for non-compliance with the legislation, in the summer of 2023, up from 463 for summer 2022. Regarding the construction sector, the Committee further notes the Government's indication that this sector continues to see the greatest number of work-related accidents and that joint inspections are carried out with the Building and Wood Workers International. The Government also provides statistics on the number of inspections conducted between 1 January and 31 August 2023 in workers' accommodation, resulting in 1,205 found to be compliant with legislation, three bans, four reports, 750 warnings and 316 cases of advice and guidance. ***The Committee requests the Government to continue to take measures to strengthen the capacity of labour inspectors with respect to the enforcement of OSH legislation, particularly in the construction sector, and to provide information on the impact of such measures. The Committee also requests the government to continue to provide statistics on the number of occupational accidents, disaggregated by sector, and the number of OSH infringements found during inspection visits. In addition, the Committee requests the Government to***

continue to provide detailed information on: (i) the number of cases where labour inspectors shut down worksites for violations, in accordance with the Ministerial Decree on heat stress and working hours, and on the number of cases where remedial measures have been taken; and (ii) the number of joint inspections undertaken with the Building and Wood Workers International and their impact on OSH in the construction sector.

Articles 7 and 10. Recruitment and training of labour inspectors and the effective discharge of their duties. Following its previous comments, the Committee notes that, according to the annual labour inspection report of 2022, a total of 239 inspectors were employed in the Labour Inspection Department in 2022, including 153 field inspectors, compared to a total of 255 inspectors in 2019. The Committee also notes the information provided by the Government on the different forms of training received by labour inspectors, including regular training on the implementation of the Labour Law, forced labour, human trafficking, and investigation of occupational accidents and also qualifying training courses for new inspectors. ***The Committee requests the Government to pursue its efforts to ensure that the number of labour inspectors is sufficient to secure the effective discharge of their duties, and that they are adequately trained for the performance of their duties***. ***The Committee once again requests the Government to indicate the measures taken to ensure the recruitment of labour inspectors and of interpreters able to speak the languages of migrant workers, and to indicate the different languages for which the interpreters provide assistance.***

The Committee is raising other matters in a request addressed directly to the Government.

Romania

Labour Inspection Convention, 1947 (No. 81) (ratification: 1973)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1975)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Article 3(1) and (2) of Convention No. 81 and Article 6(1) and (3) of Convention No. 129. 1. *Additional duties entrusted to labour inspectors related to immigration.* Further to its previous comments, the Committee notes that according to the 2023 Annual Report on Labour Inspection Activities (Annual Report), various activities and measures were undertaken by the Labour Inspectorate in collaboration with the General Inspectorate for Immigration (IGI), based on the operative cooperation plan for detecting illegal foreign employees and combating the undeclared work of foreigners. In this respect, the Committee notes that 3,477 controls were carried out regarding compliance with relevant provisions of Ordinance No. 25/2014 (on the employment and posting of foreigners on the territory of Romania), of which 706 were conducted jointly with the General Inspectorate for Immigration; 85 migrant workers performing without an employment permit were identified; 78 sanctions were applied, including 45 penalty charges worth 611,400 Romanian lei (approximately US$133,593) and 33 warnings; and 463 remedy measures were ordered to address non-conformities found. It further notes that under section 6, paragraph 3(n) of the Government Decision No. 23/2022 of 5 January 2022, the Ministry of Labour and Social Solidarity is requested to elaborate and promote public policies regarding mobile/migrant workers and initiate legislative or administrative measures with a view to the socio-professional integration of immigrants in Romania, ensuring the promotion of vocational training policies, employment and the fight against discrimination of immigrant workers. ***Noting that the Government's report does not contain information regarding matters previously raised, the Committee once again requests that the Government provide information on specific measures taken to ensure that the additional functions assigned to labour inspectors do not interfere with their primary duties,***

as set forth in Article 3(2) of Convention No. 81 and Article 6(3) of Convention No. 129. The Government is also requested to provide information on specific measures undertaken by the inspectorate to ensure the enforcement of the rights of migrant workers, including those in an irregular situation. In addition, the Committee reiterates its request that the Government provides information on the number of cases in which these workers have been granted their due rights, such as the payment of outstanding wages or social security benefits, disaggregated based on controls carried out by the labour inspectorate alone and controls conducted jointly with the General Inspectorate for Immigration. The Committee, once again, requests the Government to provide information on the number of cases in which migrant workers were deported following the control activities of labour inspectors, again disaggregated based on controls carried out by the labour inspectorate alone and controls conducted jointly with the General Inspectorate for Immigration.

2. *Control of undeclared work.* The Committee notes the definition of undeclared work, provided under section 15 of the Labour Code. It also notes the statistics on undeclared work in the Annual Report, which indicate that 67,632 controls were carried out; 2,822 employers were sanctioned for undeclared work; and 8,920 persons were found engaged in undeclared work, including 5,746 persons performing work without an employment contract. Moreover, 2,922 sanctions were issued, and 5,444 measures were ordered to correct the non-conformities. Regarding the work of the labour inspectorate with respect to undeclared work, the Committee notes that according to the Annual Report, national campaigns regarding the identification and combating of cases of undeclared work were conducted in 2023 and 24,363 notification letters were sent to employers in different fields of activity to raise awareness regarding undeclared work. ***Noting that the Government's report does not contain full information regarding some of the matters previously raised, the Committee requests the Government to continue to provide information on the work of the labour inspectorate with respect to undeclared work, in particular with regard to the number of cases in which the labour inspectorate orders the conclusion of an employment contract and the action taken by the inspectorate with respect to those workers where no employment contract is subsequently concluded.***

The Committee is raising other matters in a request addressed directly to the Government.

Russian Federation

Labour Inspection Convention, 1947 (No. 81) (ratification: 1998)

Previous comment

The Committee notes the observations of the Confederation of Labour of Russia (KTR), received on 31 August 2023, and the Government's reply to these observations.

Article 3(1) and (2) of the Convention. Additional functions entrusted to the labour inspectorate. Functions of the labour inspection with regard to undeclared work. 1. *Additional functions.* Further to its previous comment, the Committee notes the Government's indication in its report that the main functions of the labour inspectorate are set out in section 355(2) of the Labour Code and include additional supportive operational functions and activities such as supervision of social services. The Committee notes the Government's indication that the auxiliary functions neither interfere with the primary duties of labour inspectors nor they compromise their authority or impartiality. ***With reference to its comment below under Articles 6 and 10, the Committee requests the Government to provide information on the proportion of time spent by labour inspectors in carrying out administrative functions compared to the time spent on performing their primary duties in accordance with Article 3(1) of Convention No. 81.***

2. *Undeclared work.* In response to its previous request, the Committee notes the information provided by the Government that the failure to register or the improper registration of an employment contract results in the imposition of an administrative fine, as stipulated in section 5.27(4) of the Code

on Administrative Offences. It informs that the Federal Service for Labour and Employment (Rostrud) issued 5,010 decisions related to this matter in 2022 and that, as a result of supervisory activities, in the first half of 2023, 157 employment contracts were formalized at the request of state labour inspectors. The Committee also notes the KTR's observation, which highlights the lack of statistical data in Rostrud's publications on the number of employers held accountable for the use of undeclared work, as well as the decrease in the number of employment contracts formalized by the labour inspectorate over the years, despite the continued high occurrence of undeclared work. ***The Committee requests the Government to continue to provide information concerning the enforcement of the legal provisions relating to conditions of work and the protection of workers through the activities of the labour inspectorate with regard to undeclared work. In particular, it requests the Government to indicate the number of cases of undeclared work identified by labour inspectors and the number of contracts established following their intervention.***

3. *Monitoring of trade unions' rights*. The Committee notes the observation made by KTR, which states that the labour inspectorate continues not to inspect the protection of trade union members' right from acts of anti-union discrimination, as both Decree No. 1230 of 21 July 2021, on approval of the regulations on the federal state control (supervision) for observance of labour legislation and the Order of the Federal Service for Labour and Employment No. 20 of 1 February 2022 on inspection checklists, do not mention discrimination and anti-union discrimination as factors to be inspected. In response, the Government informs that section 9 of Federal Act No. 10-FZ on Trade Unions prohibits discrimination against citizens on the grounds of membership in trade unions and that the right to participate in trade union activities is protected by the Constitution (section 3(2)). It also informs that the Rostrud must monitor compliance with labour legislation and other regulatory legal acts containing labour law in accordance with paragraph 5.1.1 of the Regulations on the Rostrud, approved by Government Resolution of the Russian Federation No. 324 of 30 June 2004. ***With reference to its observation under the Convention on the Right to Organise and Collective Bargaining, 1949 (No. 98), the Committee requests the Government to indicate the number of cases of anti-union discrimination identified by labour inspectors, the number of cases referred to the court and the penalties imposed.***

Article 5(b). Collaboration with representatives of employers and workers. Further to its previous comment, the Committee notes the information provided by the Government that among the measures taken to develop cooperation between Rostrud and representatives of employers and workers are the cooperation agreements concluded at various levels, such as the agreement concluded between the Federation of Independent Trade Unions of Russia (FNPR) and Rostrud in April 2022 and the agreement between Rostrud and Russian Railways on improving compliance with labour legislation and preventing industrial accidents. It also informs that trade unions are not restricted in their right to lodge a complaint with a territorial body of Rostrud and that the basis for conducting supervisory measures may be the existence of information on the violation of legally protected assets, which can be done through a petition, including from trade unions. In addition, the Committee notes the KTR's indication that no changes have been made to the regulations governing the procedure for interaction between the state labour inspectorate and trade unions. ***The Committee requests the Government to continue to provide information on measures taken to promote collaboration between the labour inspectorate and employers and workers or their organizations. The Committee also requests the Government to indicate the number of complaints submitted by trade unions to labour inspectors and the follow up given by the inspectorate.***

Articles 6 and 10. Conditions of service. Number of labour inspectors. The Committee notes with ***deep concern*** the Government's indication that the actual number of labour inspectors is insufficient to supervise the application of labour legislation and to take more preventive measures to prevent future violations. The Government also indicates that every year, the Rostrud prepares and submits to the Russian Ministry of Labour (Mintrud) proposals on increasing the number of labour inspectors. The maximum number of inspectorate's staff shall be prescribed by Government resolutions. The

Government also indicates that modern tools are currently being used to facilitate the work of labour inspectors, such as the planning of annual scheduled inspections through an automated supervision and monitoring management system. Additionally, the Government reports that Rostrud lacks information regarding the remuneration levels of officials within the Federal Tax Service and the Ministry of Internal Affairs. The Government further notes that the staff turnover rate is attributable to natural attrition, which does not impede the federal labour inspectorate from effectively carrying out its mandated responsibilities. The Committee notes the observations of KTR, which indicate a decline in the number of state civil servants within the labour inspectorate, from 2,345 in 2020 to 2,011 in 2021 and 2,076 in 2022. The Committee also notes KTR's indication that the salary of labour inspectors remains below the national average, citing a 2023 vacancy in the Novosibirsk region that offered a salary of 30,000–33,000 rubles (approximately US$323–355). ***The Committee urges the Government once again to take the necessary measures to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspection service. In this regard, it requests once again the Government to provide information on the efforts made to recruit new labour inspectors and to fill the existing vacancies. The Committee also requests the Government to provide information on the yearly proposal for the increase of labour inspectors made by the Rostrud to the Mintrud. Noting the absence of information in this regard, it requests once again the Government to provide information on the number of labour inspectors and on the career structure of the Rostrud, including grade and positions as well as the number of appointments made at each position. While noting that the Rostrud does not have information on the levels of remuneration of labour inspectors in comparison to the remuneration levels of other officials exercising functions of similar complexity and responsibility such as tax inspectors and the police, the Committee requests that the Government seek this information from the relevant Government's departments and transmits it with its next report.***

Articles 7(3), 17 and 18. Enforcement of labour law provisions. Further to its previous comment, the Committee notes the information provided by the Government that in 2022, 226,474 penalties were imposed by the labour inspectorate (in the form of fines and warnings) and more than 226,000 administrative cases were initiated. The Government also informs that in 2022, 416 decisions to impose administrative fines were overturned by the courts, the most frequent reasons being the absence of the elements constituting an administrative offense (section 24(5)(1)(2) of the Code of Administrative Offences), the expiry of the limitation period for administrative prosecution (section 24(5)(1)(6) of the Code of Administrative Offences) and substantive violation of the procedural requirements (sections 25(1), 28(2), 29(4) and 29(10) of the Code of Administrative Offences). In addition, the Government indicates that more than 8,500 criminal cases were referred to the prosecutor's office by the federal labour inspectorate in 2022. However, the Committee notes once again that the Government's report does not mention the number of actual convictions in criminal cases.

The Committee notes the observations of KTR stating that while there has been a decrease in the number of court cancellations based on the notion that the labour inspectorate is addressing "individual labour disputes" since 2022, such occurrences continue to persist. The KTR also indicates that labour inspectors often respond only to uncontroversial violations of labour legislation, and since the legislation does not define criteria for what constitutes an uncontroversial case, this determination is left to the discretion of the inspectors. In this respect, the KTR refers to a case in which the Judicial Collegium for Administrative Cases of the St. Petersburg City Court, in its appeal ruling (Case No. 33a-11620/2022, dated 8 June 2022), declared unlawful the state labour inspector's order to recalculate and pay an employee's wages, on the grounds that there was no basis to consider the violations identified by the inspector as uncontroversial. Thus, the KTR indicates that despite some positive developments, the issue of deeming state labour inspectors' actions as unlawful due to their association with "individual labour disputes" or "controversial disputes" remains unresolved.

The Committee further notes the Government's indication that according to section 49 and 60 of the Federal Law on 248-FZ on State Control (Supervision) and Municipal Control in the Russian

Federation, in the event that the labour inspectorate receives information on the impending violation of mandatory requirements, individual subject of monitoring shall be warned against such violation and shall be invited to take action to ensure compliance with the mandatory requirements. The warning is issued where there is no substantiated evidence that the violation has caused harm or threat of harm to legally protected assets. The Government also indicates that in the case of an administrative offence committed for the first time, where there is no harm or threat of harm to people's life or health, the labour inspector issues a warning in writing. The Committee recalls that according to *Article 17(2)*, it should be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings. ***The Committee urges the Government once again to take the necessary measures to ensure the effective enforcement of the legal provisions enforceable by labour inspectors, including by adopting the necessary legal provisions to ensure that the labour inspectors can perform their duties, regardless the existence of an individual dispute. The Committee also requests the Government to adopt the necessary measures in order to ensure that labour inspectors are empowered to decide whether to issue a warning or institute proceedings. Noting the absence of information in this regard, the Committee requests once again the Government to provide information on concrete measures taken to address the deficiencies identified, such as training for labour inspectors on the establishment and completion of non-compliance reports, including: (i) the collection of the necessary evidence; (ii) the improvement of communication and coordination activities with the judiciary on the required evidence to establish and effectively prosecute labour law violations; (iii) the need for timely communication of the outcome of cases to the labour inspectorate; and (iv) the importance of observance of the procedural requirements. The Committee requests the Government to continue to provide concrete statistics on the administrative and criminal cases reported by the labour inspectorate, the investigations and prosecutions initiated and the penalties imposed as a result.***

Articles 12 and 16. Labour inspectors' powers and prerogatives. Frequency and thoroughness of labour inspections. 1. *Moratorium and restrictions on labour inspections.* Further to its previous comments, the Committee notes with ***deep concern*** the entry into force of the Resolution No. 336 of 10 March 2022, which introduced a moratorium on scheduled and unscheduled inspections for the year 2022, subsequently extended to 2023 and 2024 and amended to include further restrictions on the conduct of scheduled inspections until 2030. The Committee observes that, under the Resolution, as amended on 18 July 2024: (i) scheduled inspections in the field of industrial safety are prohibited until 2024, with the exception of those involving hazardous production facilities classified as hazard class II; until 2030, only facilities classified as extremely high-risk or high-risk, hazardous production facilities of hazard class II, and hydraulic structures of class II may be included in the scheduled inspection plan; and (ii) unscheduled inspections may only be conducted with the approval of the prosecutor's office and in very limited circumstances, such as in the event of an imminent threat or in cases where several employees have not received wages for more than one month; unscheduled inspections without the prosecutor's approval are permitted only upon the directive of the President, the Chairman or Deputy Chairman of the Government, or in cases involving extremely high-risk and high-risk facilities, hazardous production facilities classified as hazard classes I and II, and hydraulic structures of class I and II, provided there is harm to life or serious harm to citizens' health and with the notification to the prosecutor's office.

The Committee also notes the KTR's indication that, as a result of the imposed restrictions on inspections, only 22,951 inspections were conducted in 2022, marking a significant decrease compared to the 131,286 inspections conducted in 2019.

Furthermore, in response to the Committee's previous request, the Government indicates that out of the 22,951 inspections conducted in 2022, 5,734 were scheduled and 17,217 unscheduled, and that more than 147,000 self-inspections were carried out by employers in 2022 and over 47,000 from January to May 2023. It also informs that 2,301 individual entrepreneurs, 11,108 small and medium-sized enterprises and 3,981 state and municipal enterprises and institutions were inspected in 2022. The

KTR further notes that, according to Rostrud's activity reports, the 22,951 control activities conducted in 2022 included 19,757 documentary inspections, 2,657 on-site inspections, and 251 inspection visits.

Recalling with deep concern that a moratorium placed on labour inspection is a serious violation of the Conventions and with reference to its 2019 general observation on the labour inspection Conventions, the Committee urges the Government to eliminate the temporary ban on inspections and to ensure that labour inspectors are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in compliance with Article 16 of Convention No. 81.

In addition, the Committee requests the Government to continue to provide statistics on the number of labour inspections undertaken each year, including the number of scheduled and unscheduled inspections, of inspections undertaken on-site and those conducted without a visit to the establishment. Furthermore, the Committee requests the Government to continue to indicate the number of self-assessments conducted and the number of follow-up inspection visits by labour inspectors in case of violations.

2. *Other limitations on labour inspections.* The Committee once again notes with ***deep concern*** that, in addition to the moratorium mentioned above, the restrictions on the powers of labour inspectors established in the Federal Act No. 248-FZ of 31 July 2020 on State Monitoring (Supervision) and Municipal Monitoring in the Russian Federation and the Federal Act No. 294-FZ of 26 December 2008 on the protection of legal entities and individual entrepreneurs in state control (supervision) and municipal control, previously noted by the Committee, remain in place.

With regard to the powers of labour inspectors to make visits without previous notice, the Committee notes the Government's reference to section 66(12) of Federal Act No. 248-FZ of 31 July 2020. The Committee notes, however, that this provision establishes that an unscheduled inspection may be unannounced only if it is initiated on the basis of information indicating an imminent threat of harm to legally protected values, which is not in compliance with the requirements of *Article 12(1)(a)* and *(b)* of the Convention. The Committee also notes that section 31(7) of the Federal Act No. 248-FZ of 31 July 2020 establishes that, when conducting unscheduled inspections, the presence of the controlled person or their representative is mandatory, except for when carrying out supervisory measures or actions that do not require interaction with the controlled person. In addition, the Committee notes the Government's indication that the obstruction of lawful activities by employers is one of the main problems of the labour inspectorate and that in such cases the perpetrators are prosecuted under section 19(4)(1) of the Code of Administrative Offences. The Government further notes that, however, the administrative liability of those responsible for violations in accordance with this section of the Code, does not entail the restoration of workers' labour rights and the possibility to carry out the inspection.

In response to the Committee's request for information regarding cases brought against officials of the state labour inspectorates, the Government reports that in 2022, 181 state labour inspectorate officials were disciplined for failing to perform or for perform improperly their duties; among them, of which six were prosecuted under section 19(6)(1) of the Code on Administrative Offences for violating the requirements of legislation on the procedure for conducting inspections. Furthermore, during the first semester of 2023, 63 state labour inspectorate officials were disciplined for similar failings, with eight prosecuted for violation of inspection procedure requirements.

The Committee once again urges the Government to take the necessary measures to bring the national legislation into conformity with Article 12 of the Convention, particularly by ensuring that labour inspectors are empowered to make visits without previous notice, in line with Article 12(1)(a) and (b). The Committee also requests the Government to take the necessary measures to ensure that labour inspectors shall have the right to decide not to inform the employer or their representatives of their presence on the occasion of an inspection visit when they consider that such a notification may be prejudicial to the performance of their duties in accordance with Article 12(2) of the Convention. In

addition, the Committee requests the Government once again to provide information on the nature of the disciplinary measures imposed against officials of the state labour inspectorates under section 19(6) of the Code on Administrative Offences, indicating the requirements of the legislation on state control that were violated, particularly specifying the penalties assessed against inspectors based on such violations.

Article 14. Notification of industrial accidents and cases of occupational diseases to the labour inspectorate. The Committee notes the Government's indication that paragraph 4 of the Government Resolution of the Russian Federation No. 1206 of 5 July 2022 establishes that in the event of a preliminary diagnosis of an acute occupational disease in an employee, the medical organization is obliged to send a notification to the state sanitary and epidemiological control authorities within 24 hours. However, the Committee notes that this Resolution maintains the obligation of notification only of cases of acute occupational diseases. With regard to occupational accidents, the Committee notes the Government's reference to section 228.1 of the Labour Code, which provides for the notification to the labour inspectorate of all group accidents and fatal accidents. ***The Committee requests the Government to adopt measures to guarantee the establishment of a procedure for notifying the labour inspectorate of all industrial accidents and cases of occupational diseases. Additionally, with reference to its comment on Articles 20 and 21, the Committee reiterates its request for the Government to ensure that comprehensive and representative statistics on these incidents are included in the annual labour inspection report.***

Articles 20 and 21. Annual labour inspection report. The Committee notes the Government's indication that the labour inspection report, published annually in the Ministry of Labour's official website, contains laws and regulations relevant to the work of the inspection service, staff of the labour inspectorate, statistics of workplaces liable to inspection and the number of workers employed therein, statistics of inspection visits, statistics of violations and penalties imposed and statistics of industrial accidents. It notes, however, the KTR's observation that statistics on occupational diseases and on the number of workers employed at workplaces liable to inspection are not included in the annual labour inspection report. The KTR also states that statistics on industrial accidents are only provided for those investigated with the participation of labour inspectors. ***The Committee requests the Government to indicate the measures taken to ensure that a consolidated labour inspection report containing detailed information on all the items listed in Article 21(a)–(g) of the Convention is published.***

Rwanda

Labour Inspection Convention, 1947 (No. 81) (ratification: 1980)

Previous comment

Article 3(1) and (2) of the Convention. Additional functions entrusted to labour inspectors. Mediation and conciliation. The Committee notes that the Government indicates in its report that it will assess the Committee's previous comment on the need to adopt measures to discharge labour inspectors from additional mediation and conciliation duties and for modification of the legal framework to this effect. The Committee also notes that the annual compliance labour report 2022–23 indicates that all district labour inspectors received 1,659 labour disputes in this period and that 68.2 per cent of these disputes were raised in three districts of Kigali City and that 86.80 per cent of them were settled. The Committee is bound to recall that the time spent by inspectors on mediation or conciliation may be detrimental to the performance of their primary duties, as defined in *Article 3(1)* of the Convention, particularly in a context where resources are limited. Further, it once again refers to the guidance provided in this regard in Paragraph 8 of the Labour Inspection Recommendation, 1947 (No. 81). ***The Committee urges the Government to: (i) take the necessary measures to discharge labour inspectors of any mediation and conciliation functions regarding individual and collective labour disputes; (ii) amend the legal***

framework to this effect, in particular sections 102 and 103 of Law No. 66/2018 of 30 August 2018 regulating labour in Rwanda (which provide that labour inspectors are responsible for mediating labour disputes) as well as sections 3 and 10 to 16 of the Ministerial Order No. 001/19.20 of 17 March 2020 relating to labour inspection (which sets out the procedure to be followed for the settlement of labour disputes when mediated by labour inspectors); and (iii) keep the Office informed of any progress made in this respect.

Article 12(1)(a). Powers of labour inspectors to enter freely at any hour of the day or night any workplace liable to inspection. Concerning its previous comment, the Committee notes the Government's indication that labour inspectors can enter enterprises for inspection at any time, whenever there is a need, whether during the day or at night, and that this power is not limited to working hours. ***Noting that the Government does not identify any Law or Ministerial Order authorizing this power, and that section 6(2)(1) of the Ministerial Order No. 001/19.20 of 17 March 2020, relating to labour inspection, continues to provides that a labour inspector can enter an enterprise during working hours, the Committee once again urges the Government to bring this provisions in line with Article 12(1)(a) of the Convention so as to ensure that, at the legislative level, the powers of entry of labour inspectors are clearly extended to any hour of the day or night regardless of the working hours of the workplaces liable to inspection. It also requests the Government to provide information on the number of inspection visits carried out by labour inspectors to workplaces subject to inspection that have taken place outside their working hours.***

The Committee is raising other matters in a request addressed directly to the Government.

San Marino

Labour Statistics Convention, 1985 (No. 160) (ratification: 1988)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 7 and 8. Employment, underemployment and underemployment statistics. Statistics of the structure and distribution of the economically active population. The Committee welcomes the information provided by the Government in response to its previous comments, initially made in 2012. It notes that the statistical data on the labour force (previously referred to as the "economically active" population), employment, unemployment and other indicators of labour underutilization have been communicated to ILOSTAT. The latest data available is from 2019 and the official estimates are provided by the San Marino Office of economic planning, data processing and statistics. The Committee nevertheless notes that the data provided is derived from administrative data and not from labour force surveys (LFS), as no LFS have to date been carried out in San Marino. In this context, the Committee recalls that pursuant to the latest standards, including the International Conference of Labour Statisticians (ICLS) Resolution concerning statistics of work, employment and labour underutilization (resolution I), adopted by the 19th ICLS in October 2013, such statistical data should be captured through household surveys. In relation to *Article 8,* the Government notes that the statistics on the labour force on administrative records of the Office of Active Labour Policies and the Office of Economic Activities are not derived from the population census. The data is collected by the Office of Statistics on a monthly basis. The Committee notes that the Government provides definitions of employment and unemployment, and information on the methodology used for compiling the data in accordance with *Articles 7* and *8.* ***The Committee requests the Government to continue to provide updated statistical data to the Office related to the labour force, employment, unemployment and underemployment, and to provide information on measures taken to undertake a household survey, as contemplated under the Convention. In this respect, the Committee reminds the Government may avail itself of technical assistance from the Office, should it so wish. The Committee further requests the Government to provide information on any developments with regard to the implementation of the Resolution concerning statistics of work, employment and labour underutilization (resolution I), adopted by the 19th ICLS in October 2013.***

Articles 9 and 10. Current statistics of average earnings and hours of work. Statistics of time rates of wages and normal hours of work. Statistics of wage structure and distribution. The Committee notes the Government's indication that data under *Articles 9* and *10* are not currently compiled, with the exception of data under *Article 9(1).* The Government adds that, while annual data on average earnings is available by economic activity, it is not yet broken down by sex. The Committee notes the information provided by the Government on the methodologies used to compile the statistics. The Government indicates that data on hours actually worked is not available but that, based on the availability of the administrative records, the Office of Statistics may be able to provide annual statistics of average earnings and hours actually worked, broken down by sex, in the near future. ***Noting that the annual statistics of average earnings and hours actually worked are not yet disaggregated by sex, but that the Government may be in a position to provide this information in the near future, the Committee requests the Government to take the necessary steps to this end and keep the ILO informed of any future developments in this field. In addition, noting that the Government's report provides no information in response to its previous point concerning the application of Article 9(2), the Committee reiterates its request that the Government ensure that statistics covered by these provisions are regularly transmitted to the Committee and to keep it informed of any progress made in this regard. In addition, noting that the Government's report provides no information in response to its previous comment on the application of Article 10, the Committee once again requests the Government to take the necessary steps to give effect to this provision and to keep it informed of any developments in this field.***

Article 11. Statistics of labour cost. In response to the Committee's previous comments, the Government indicates that the Office of Statistics publishes the statistics of labour cost on an annual basis on its website. The Government points out that in relation to the manufacturing sector, the four main groups are currently included; however, it is not currently possible to provide these statistics for a greater number of groups. The methodologies established for producing the statistics on average cost and employee services are published on the National Summary Data Page. ***The Committee invites the Government to continue to provide statistical data of labour cost to the Office, as well as other methodological information.***

Article 12. Consumer price indices. The Committee notes the information provided by the Government regarding the methodology utilized to collect information on consumer price indices (CPI), which are calculated taking families and workers as references. CPI data are collected monthly through the website of the Office for Economic Planning, Data Processing and Statistics. The latest CPI data available to the ILO is from 2017. ***The Committee invites the Government to continue to provide updated statistical data and methodological information on consumer price indices to the Office.***

Article 13. Statistics of household income and expenditures. The Committee notes that detailed statistics on household expenditures are published regularly by the Office of Economic Planning, Data Processing and Statistics in the annual publication "Survey on consumption and San Marino family lifestyles". The Committee nevertheless notes that no information is available in the cited publication about the sources, concepts, definition and methodology used in collecting and compiling household income and expenditure statistics. ***The Committee invites the Government to: (i) consult the representative organizations of employers and workers on the concepts, definitions and methodology used (in accordance with Article 3); and (ii) communicate a detailed description of the sources, concepts, definition and methodology used in collecting and compiling household income and expenditure statistics (as required under Article 6).***

Article 14. Statistics of occupational injuries. The Government indicates that it collects data on occupational injuries on an administrative basis by the Institute for Social Security and relies on injured workers attending the emergency department of the state hospital. The Office of Statistics publishes data on occupational injuries in the Economic Statistics Report annually. The data come from the Health Authority and are taken from the records of the only emergency department in the country. The Committee notes that the official estimates of the Office of Economic Planning, Data Processing and Statistics, covering all branches of economic activity, last provided data on occupational injuries to the ILO in 2015. In addition, the methodological information available is incomplete, as the concepts and definitions used in the statistics have not been communicated to the ILO Department of Statistics. ***The Committee reiterates its request that the Government provide more comprehensive information about the statistical system, with particular reference to the concepts and definitions used for statistics on occupational injuries. The Committee also requests the Government to provide information on more detailed statistics as these become available.***

Article 15. Statistics of industrial disputes. ***As no data on strike and lockout (rates of days not worked by economic activity) were provided, the Committee once again invites the Government to communicate this data, in accordance with Article 5 of the Convention.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Saudi Arabia

Labour Inspection Convention, 1947 (No. 81) (ratification: 1978)

Previous comment

The Committee notes that, in November 2024, the Governing Body declared receivable a representation submitted by the Building and Wood Workers' International (BWI) under article 24 of the ILO Constitution, alleging non-observance by Saudia Arabia of Convention No. 81, as well as of the Forced Labour Convention, 1930 (No. 29), the Protocol of 2014 to the Forced Labour Convention, 1930, the Protection of Wages Convention, 1949 (No. 95), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and decided to appoint a tripartite committee to examine it (GB.352/INS/20/8 paragraph 6). The Committee notes that the allegations contained in the representation refer to *Articles 10, 16* and *18* of Convention No. 81. In accordance with its usual practice, the Committee has decided to suspend its examination of these issues pending the decision of the Governing Body in respect of the representation.

*Articles 3(1) and (2) of the Convention. Functions of labour inspectors.*1. *Additional functions of labour inspectors concerning migrant workers.* The Committee notes the addition of paragraph 5 to section 196 of the Labour Law, which provides that, in addition to monitoring the implementation of the Labour Law and providing employers and workers with information and technical guidance, labour inspectors have the obligation to verify violations detected by other competent government agencies and referred to the Ministry, as well as proposing the appropriate fine in accordance with the schedule of violations and penalties. The Committee notes that the Government does not provide information on how it ensures that additional functions assigned to labour inspectors do not interfere with their primary objective of enforcing relevant legislation and protecting workers, nor on how labour inspectors' time and resources are allocated between verifying employment legality and enforcing relevant legal provisions. ***The Committee urges once again the Government to take specific measures to ensure that the functions assigned to labour inspectors do not interfere with the main objective of labour inspectors, in accordance with Article 3(1), to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work. It requests once again the Government to provide detailed information on the time and resources of the labour inspectorate spent on activities aimed at verifying the legality of employment compared to activities spent on securing the enforcement of legal provisions relating to conditions of work and the protection of workers. The Committee once again requests the Government to indicate the measures taken to ensure that migrant workers who are found to be in an irregular situation, pursuant to section 33 of the Labour Law, are granted their due rights, such as the payment of outstanding wages or access to proper employment contracts.***

2. *Protection of the rights of migrant workers, including in relation to the payment of wages and compensation for workplace injuries.* The Government indicates in its report that the follow-up to undertakings' compliance with the Wages Protection Programme in the first quarter of 2019 and in the first quarter of 2020 was completed. The compliance rate of the wage protection system reached 75 per cent in the first quarter of 2019 and 60 per cent in the first quarter of 2020. A total of 1,799 notifications were received on employers' failure to submit the "wage protection file" on a monthly basis. In this respect, the Committee takes note of the measures taken against undertakings that did not comply with the Wages Protection Programme, in particular: (i) stopping services to undertakings that have not

achieved 80 per cent of compliance on a monthly basis; (ii) organizing inspection visits to undertakings (with more than 200 workers) that did not achieve 70 per cent of compliance; and (iii) stopping all services, including issuing work permits, with undertakings that have not submitted the wage protection file for more than a year. The Committee notes the information received from the Government regarding Ministerial Order No. 20912 of 2019 implementing the Anti-harassment Act of 2018, and that it applies to all workers employed by undertakings. The Committee notes that the Labour Inspection Reports of 2019, 2020, 2021 and 2022 include general information on the number of inspections conducted and the number of violations reported to the competent authorities, although they do not include details on enforcement measures and penalties, nor information disaggregated by nationals and non-nationals, or the classification of violations by relevant legal provision. The Committee also notes that the Government once again has not provided information on the payment of outstanding entitlements to migrant workers before their return to their country of origin. ***The Committee requests the Government to provide statistical information disaggregated by nationals and non-nationals on the number of inspections, violations, warnings and other enforcement measures taken, and penalties imposed, classified by the legal provisions to which they relate, including section 6 of the Implementing Regulations of the Labour Law No. 70273 of 2018, the Ministerial Order No. 20912 of 2019 and the Anti-Harassment Act of 2018. The Committee also once again requests the Government to provide statistical information on the payment of outstanding entitlements to migrant workers (including compensation for workplace injuries or the payment of wages) before their return to their country of origin.***

The Committee is raising other matters in a request addressed directly to the Government.

Serbia

Labour Inspection Convention, 1947 (No. 81) (ratification: 2000)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 2000)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

The Committee notes the observations of the Trade Union Confederation "Nezavisnost" communicated with the Government's report.

The Committee notes the representation under article 24 of the Constitution of the ILO, presented to the Governing Body by the Building and Wood Workers' International (BWI), the Construction Labour Union and the Thamizhaga Kattida Thozhilalargal Mathiya Sangam, and the representation presented by the BWI and the Trade Union of Construction and Building Material Industry Workers of Serbia, alleging non-observance by Serbia of a number of Conventions, including Convention No. 81 and Convention No. 150. At its 347th Session (March 2023), considering that these two representations concern similar issues, the Governing Body decided that they should be examined jointly by the same tripartite committee (GB.347/INS/19/4, paragraph 6 and GB.347/INS/19/5, paragraph 6). The representations allege that the labour inspection and labour administration systems have failed to enforce the applicable labour legislation with respect to the Vietnamese and Indian workers based on the argument that these systems have no authority over the foreign employer's labour relations with temporary migrant workers in the Serbian territory.

Article 12(1)(a) of Convention No. 81 and Article 16(1)(a) of Convention No. 129. Free entry of labour inspectors to workplaces without prior notice. For a number of years, the Committee has been noting the need to amend the Law on Inspection Oversight with regard to restrictions imposed on the powers of

inspectors, and in particular: (i) the ability of labour inspectors to undertake inspection visits without previous notice (sections 16, 17, 49 and 60); and (ii) the scope of inspections (section 16). The Government indicates in its report that the Ministry of Public Administration and Local Self-Government initiated the procedure of seeking opinions through consultations on the application of the Law on Inspection Oversight. In its observations, the Trade Union Confederation "Nezavisnost" indicates that on 1 September 2023, the first meeting of the internal Working Group for the preparation of the Draft Law on Amendments to the Law on Inspection Oversight was held by the Ministry of Public Administration and Local Self-Government. According to the Trade Union Confederation "Nezavisnost", the Law on Inspection Oversight continues to impose restrictions on the power of labour inspectors and despite the request of the Conference Committee on the Application of Standards in 2019 to amend the relevant provisions, to date this has not been done. In this respect, the Confederation recalls that, during the tripartite workshop of February 2020, it expressed the opinion that a discussion should be opened on the need to draft a separate law on labour inspection. ***The Committee requests the Government to provide its comments in this respect. The Committee also urges the Government to take the necessary measures in order to amend the Law on Inspection Oversight, and to provide information in this respect, including on the outcomes of the meetings of the tripartite working group, and on any other steps taken, in consultation with the social partners.***

In reply to the Committee's previous request on the application in practice of *Article 12(1)(a)* of Convention No. 81 and *Article 16(1)(a)* of Convention No. 129, the Government provides detailed information on inspections conducted without prior notice in 2020, 2021 and 2022, including of unregistered entities, and in response to occupational accidents, complaints or serious violations. ***The Committee requests the Government to continue to provide information on the application in practice of Article 12(1)(a) of Convention No. 81 and Article 16(1)(a) of Convention No. 129, including statistics on the number and nature of inspections undertaken without previous notice (such as in response to occupational accidents, complaints or serious violations).***

Articles 3(1)(a) and (b), 7, 10, 11 and 16 of Convention No. 81 and Articles 6(1)(a) and (b), 9, 14, 15 and 21 of Convention No. 129. Adequate number of qualified labour inspectors and inspection visits, and material means at the disposal of inspectors to ensure the effective application of the legal provisions. Regarding the implementation of the Three-year Action Plan for the employment of civil servants who perform inspection tasks under the jurisdiction of national inspections, the Government indicates that, despite having identified that the optimal number of labour inspectors would be 307, the Labour Inspectorate could not obtain approval for an increase in the number of systematized inspector positions because of the large number of vacant positions of labour inspectors, which in 2021 amounted to 60, due to retirements. The Committee notes that, in 2022, the Labour Inspectorate permanently recruited 41 labour inspectors through public competitions to fill the existing vacant positions. The Government indicates that there are currently 231 labour inspectors (229 in 2020 and 240 in 2019) employed in the Labour Inspectorate, and 267 labour inspector positions have been systematized by the Rulebook on internal organization and systematization of jobs in the Ministry of Labour, Employment, Veteran and Social Affairs. With regard to material resources, the Committee notes the information provided by the Government that in 2020 and 2021 new IT equipment was distributed to departments and divisions of the labour inspection throughout the territory. The Government indicates that, in 2022, 40 new official vehicles were acquired by the Labour Inspectorate through operational leasing and distributed in departments and divisions of the labour inspection throughout the territory. The Committee notes however the Government's indication that the Labour Inspectorate lacks reliable official cars of recent production, as well as all-terrain vehicles, for carrying out inspections in remote, inaccessible and rural areas. In its observations, the Trade Union Confederation "Nezavisnost" emphasizes on the need to strengthen the capacity of the Labour Inspectorate, indicating that the Inspectorate does not have a sufficient number of inspectors, that the inspectors are overloaded and do not have adequate IT equipment, which influences the efficiency of the supervision. ***The Committee requests the Government***

to provide its comments in this respect**. **Moreover**, **the Committee requests the Government to continue to provide detailed information on the number of labour inspectors, including specific information on the number of inspectors assigned to the agricultural sector. The Committee requests the Government to continue to provide information on the measures taken or envisaged to ensure that the labour inspection services have sufficient human resources necessary for their operation, including measures taken to fill the vacant positions and to increase the number of sanctioned posts of labour inspectors. Noting the difficulties mentioned by the Government with regards to material means, the Committee requests the Government to indicate the measures taken or envisaged to ensure that the labour inspection services have sufficient material resources necessary for their operation and to continue to provide detailed information with regard to material resources allocated to the Labour Inspectorate (including its budget, IT equipment, vehicles available, etc.)

The Committee is raising other matters in a request addressed directly to the Government.

Slovenia

Labour Inspection Convention, 1947 (No. 81) (ratification: 1992)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1992)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Article 3(1)(a), (b) and (2) of Convention No. 81 and Article 6(1)(a), (b) and (3) of Convention No. 129. Functions entrusted to labour inspectors. Additional duties entrusted to labour inspectors related to immigration. The Committee notes with ***concern*** that sections 44(5), 51, 60, 61, 63, and 66 of the Employment, Self-employment and Work of Aliens Act (ESWAA), which provide that labour inspectors can impose fines on migrant workers for the performance of work and are obliged to inform the police when its supervision activities lead to the suspicion of illegal residence of migrant workers, are still in force. In this context, the Committee notes that the Government has not provided specific information on the number of cases in which sanctions were imposed on migrant workers, the violations concerned, and the type of sanctions imposed, as previously requested by the Committee. The Committee once again recalls that neither Convention No. 81 nor Convention No. 129 contain any provision suggesting that any worker be excluded from the protection afforded by labour inspection on account of their irregular employment status (2006 General Survey on labour inspection, paragraph 77*).* Referring once again to paragraph 452 of its 2017 General Survey on occupational safety and health*,* the Committee further indicates that workers in a vulnerable situation may not be willing to cooperate with the labour inspection services if they fear negative consequences as a result of inspection activities, such as the loss of their job or expulsion from the country. ***The Committee once again requests the Government to provide information on the number of cases in which sanctions were imposed on migrant workers, the violations concerned and the sanctions imposed.***

The Government indicates in its report that, in accordance with section 19 of the Prevention of Undeclared Work and Employment Act, labour inspectors may, when there are grounds to suspect undeclared employment, issue a decision prohibiting such undeclared work, and they must immediately inform the competent authority thereof. It indicates that despite the transfer of the power to monitor the prohibition of undeclared work from the labour inspectorate to the Financial Administration of the Republic of Slovenia, the labour inspectorate still receives a large number of reports of such suspected violations and related questions, which it refers to the Financial Administration of the Republic of Slovenia. The Committee notes that the number of violations of the provisions governing the conditions of employment, self-employment and work of foreigners in Slovenia increased from 49 in 2019 to 77 in

2023. The Government indicates that most violations were found for non-compliance with section 7(4) of the ESWAA when employers allowed foreigners to do work other than work for which consent had been granted in the procedure for issuing or extending a single permit, a European Union Blue Card, a written authorization, or for which a seasonal work permit had been issued. Additionally, there were violations involving improper employment contracts for foreigners, unauthorized provision of short-term services by third-country providers, and improper use of fixed-term employment contracts. ***The Committee once again requests the Government to take measures to ensure that the duties entrusted to labour inspectors do not interfere with the fundamental objective of securing the protection of workers in accordance with the primary duties set out in Article 3(1) of Convention No. 81 and Article 6(1) of Convention No. 129. Noting the information provided regarding the violations of the Employment, Self-employment and Work of Aliens Act, the Committee urges the Government to provide information on the manner in which the labour inspection services ensure the enforcement of employers' obligations with regard to the rights of migrant workers, in particular those in an irregular situation or without an employment contract, including specific information as to the payment of remunerations and any other benefits owed for the work they performed.***

Article 10 of Convention No. 81 and Article 14 of Convention No. 129. Number of labour inspectors and their conditions of service. In its previous comments, the Committee noted that despite the increase in the number of labour inspectors, the heavy workload persisted. The Government indicates that the labour inspectorate continued its efforts to increase the number of inspectors, as well as the number of other staff providing support to inspectors. The Committee notes the number of employees of the labour inspectorate increased from 118 (89 inspectors) in 2020 to 129 (97 inspectors) in 2023. The Committee notes that, according to the labour inspection reports, the labour inspectorate has boosted the number of inspectors especially in the field of employment relationships given that the majority of complaints concern this issue, and that the number of inspectors monitoring compliance with occupational safety and health will need to be increased in the future. At the same time the Committee notes that the number of business entities has risen by more than 20,000, from 221,711 in 2020 to 241,128 in 2023. The annual labour inspection reports indicate that despite these personnel reinforcements the inspectors are unable to cope adequately with the increase of business entities and the increased number of reports received by the labour inspectorate, which in 2023 amounted to approximately 6,000. ***While taking note of the increase in the number of inspectors from 2020 to 2023, the Committee requests the Government to continue its efforts to increase the number of labour inspectors and indicate the measures taken to ensure that the number of inspectors monitoring working conditions and employment relationships and also the number of OSH inspectors are sufficient to secure the effective discharge of the duties of the inspectorate.***

Article 6 of Convention No. 81 and Article 8 of Convention No. 129. Stability and independence of labour inspectors. In its previous comments, the Committee noted that issues related to external pressure facing inspectors from both complainants and employers in the form of insults, misconduct and aggressiveness continued to exist. The Committee also noted a series of measures taken by the labour inspectorate to address the risk of third-party violence to which labour inspectors are exposed and the Committee urged the Government to strengthen its efforts in this respect. The labour inspection reports for 2020–23 provide information about abusive and insulting attitudes with threats, especially in inspections carried out by female inspectors, even if the inspection was carried out jointly by two female inspectors. The Committee notes that the Government has not provided information on this matter. ***The Committee once again urges the Government to strengthen its efforts to address the issues related to violence, harassment and other external pressure facing labour inspectors, including with a view to ensuring their independence from improper external influences. It requests the Government to indicate the measures taken in this respect.***

Article 12(1)(b) of Convention No. 81 and Article 16(1)(b) of Convention No. 129. Access to workplaces liable to inspection. The Committee previously noted that pursuant to section 21 of the Inspections Act,

persons owning or possessing business premises, production premises or other premises or land can refuse inspectors' free access under certain conditions, and the Committee requested the Government to provide detailed information on the implementation of section 21 of the Inspections Act in practice. The Committee notes from the labour inspection reports of 2020, 2021, and 2023 that employers obstruct inspectors by hindering inspections, withholding documents and not complying with imposed measures. The Government indicates that from 1 June 2020 to 31 May 2023, 15 obstructions of access to the employer's premises and obstructions of inspection were recorded, and in 410 cases, inspectors found difficulties in obtaining the required documentation. Furthermore, inspectors issued fines in 6 cases for obstructing or preventing the inspector from entering premises, accessing equipment and facilities, and in 260 cases for preventing the inspector from carrying out their inspection duties unhindered. The Committee notes that it is unclear whether inspectors have been denied access to workplaces under section 21 as the Government does not provide information on the reasons for each denial under one or more of the exceptions in section 21. Nonetheless, the Committee once again recalls that, by virtue of *Article 12(1)(b)* of Convention No. 81 and *Article 16(1)(b)* of Convention No. 129, labour inspectors should be empowered to enter by day premises which they may have reasonable cause to believe to be liable to inspection in order to efficiently ensure workers' protection, and that these *Articles* do not allow for any restrictions. ***Noting that the Government has not amended the relevant legislative framework, the Committee once again urges the Government to take measures to bring the national legislation into conformity with Article 12 of Convention No. 81 and Article 16 of Convention No. 129 to ensure that that labour inspectors are empowered to enter by day premises which they may have reasonable cause to believe to be liable to inspection. In the meantime, it requests the Government to continue to provide detailed information on the implementation of section 21 of the Inspections Act in practice, indicating the number of times that inspectors have been denied access to workplaces under this section, the reasons given for each denial under one or more of the exceptions provided for in section 21, and the outcome of any proceedings reviewing each denial.***

The Committee is raising other matters in a request addressed directly to the Government.

South Africa

Labour Inspection Convention, 1947 (No. 81) (ratification: 2013)

Previous comment

Article 5(b) of the Convention. Effective collaboration between the labour inspection services and employers and workers or their organizations. The Committee notes the absence of information in the Government's report in reply to its previous request. It notes, however, the information provided by the Government in its report under Safety and Health in Mines Convention, 1995 (No. 176) on measures taken to ensure that all mine undertakings collaborate with inspectors. ***The Committee requests the Government to take the necessary measures to ensure effective collaboration between the inspectorate and the social partners in all sectors of activities.***

Articles 6 and 7. Status and conditions of service of labour inspectors. Capacity of labour inspectors. The Committee notes the absence of information in the Government's report in reply to its previous request. Regarding the conditions of service of labour inspectors and their status, the Committee notes the information contained in the Department of Employment and Labour Annual Report 2022–23. According to the report, the turnover rate of labour inspectors for the period 1 April 2022 to 31 March 2023 was of 4.56 per cent, with 78 inspectors leaving due to reasons related to retirement, expiration of contract, dismissal, resignation or transfer out of the Department. For the same period, 55 inspectors were promoted to a higher salary range and 8 inspectors received performance rewards. Regarding training, the Committee notes that the Report refers to training of inspectors in the field of occupational safety and health and social security. It also notes that the budget allocated for training of the Inspection

and Enforcement Service (IES) amounted to 6,151,000 South African rand (approximately US$337,000) for the period 2022–23 and to 6,919,000 rand for 2021–22 (approximately US$380,000). ***The Committee requests the Government to take the necessary measures to recruit and retain qualified labour inspectors. The Committee further requests the Government to provide specific information on the content, frequency and duration of the training provided to labour inspectors.***

Articles 10, 11 and 16. Sufficient number of labour inspectors and adequate coverage of workplaces by labour inspection. Material conditions. In the absence of information in the Government's report, the Committee notes the information provided in the Department of Employment and Labour Annual Reports for 2019–20, 2020–21 and 2022–23 on measures taken in terms of the budgetary and human resources allocated to the labour inspectorate. In particular, the Committee notes that the IES budget decreased from 650.9 million rand (approximately US$36 million) in 2021–22 to 617.3 million rand (approximately US$34 million) in 2022–23 and that, according to the 2021–22 Report of the Compensation Fund, this Fund took over the financing of the occupational health and safety inspectorate. This contributed to the employment of additional 186 inspectors, with a total force of 686 OSH inspectors. The Committee further notes that, according to the Department of Employment and Labour Annual Reports, the number of labour inspectors has increased from 1,278 for the period 2019–20 to 1,732 for 2022–23, with a vacancy rate of 6.88 per cent as of March 2023 (the number of sanctioned posts for 2022–23 was 1,860). It further notes that the number of inspections carried out increased from 227,990 in 2019–20 to 312,792 in 2022–23. ***The Committee requests the Government to take the necessary measures to ensure that the budget and human resources allocated to the labour inspectorate are sufficient for an effective discharge of the labour inspection duties. The Committee further requests the Government to provide disaggregated information on the number of labour and OSH inspectors and the number of OSH and labour inspections conducted.***

Article 12(1)(a) and (b). Free access of labour inspectors to workplaces liable to inspection at any hour of the day or night. The Committee notes the absence of information in the Government's report in reply to its previous comments regarding the restraint of "reasonable times" imposed on the powers of entry of inspectors under section 65(1) of the Basic Conditions Employment Act. ***Recalling that it should be for the inspector to decide whether the timing of a visit is reasonable, the Committee urges the Government to take the necessary measures to bring the national law and practice into conformity with the requirements set out in Article 12(1)(a) and (b) of the Convention.***

Article 15(c). Obligation concerning the confidentiality of the source of a complaint and the fact that an inspection visit was made in consequence of a complaint. The Committee notes the absence of information in the Government's report in reply to its previous comments. ***The Committee requests the Government to take the necessary measures to ensure the respect of the principle of confidentiality set forth in Article 15(c) of the Convention. The Committee also requests the Government to provide information on any progress made in this regard.***

Articles 17 and 18. Effective enforcement of sufficiently dissuasive penalties. The Committee notes that, according to the Annual Report of the Department of Labour 2022–23, there is a constant trend of non-compliance with the Employment Equity Act (EEA), and that: (i) during the third quarter of the 2022–23 financial year, only 46 per cent of over 3,000 workplaces visited by labour inspectors were found to be compliant with the EEA; (ii) 238 workplaces were referred to court for failure to comply; and (iii) some workplaces are keen to pay fines rather than comply with the law. ***With reference to its observation under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee requests the Government to take the necessary measures to ensure that the legislation provides for effective mechanisms of enforcement and adequate and sufficiently dissuasive penalties.***

The Committee is raising other matters in a request addressed directly to the Government.

Sri Lanka

Labour Inspection Convention, 1947 (No. 81) (ratification: 1956)

Previous comment

The Committee notes the observations of the International Trade Union Confederation (ITUC) and the International Transport Workers' Federation (ITF), as well as the Government's reply thereto.

Follow-up to the recommendations of the tripartite committee (representation made under article 24 of the Constitution of the ILO)

The Committee notes that in November 2021, the Governing Body approved the report of the tripartite committee (GB.343/INS/13/3) set up to examine the article 24 representation submitted by the Flight Attendants' Union (FAU) alleging non-observance by Sri Lanka of the Labour Inspection Convention, 1947 (No. 81) and the Protection of Wages Convention, 1949 (No. 95). The Committee notes that the tripartite committee: (i) requested the Government to examine ways, in full consultation with the social partners, in which the system for labour inspection can be strengthened, in particular in relation to *Article 3(1)(a)* of Convention No. 81; (ii) invited the Government to consider engaging in consultations with the social partners at the national level to find effective solutions to the matters raised in the Committee's conclusions set out in the report; and (iii) invited the Government to explore ways and means to improve the collaboration between officials of the labour inspectorate and employers and workers and their organizations, with a view to supplying technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions. ***The Committee requests the Government to provide detailed and specific information on the follow-up given to the recommendations of the tripartite committee.***

Ongoing legislative reform. The Committee notes the observations of the ITUC and ITF alleging that the Ministry of Labour has recently engaged in a comprehensive labour law reform (the "Employment Bill"), which does not provide sufficient ex ante and ex post controls by the authorities, and in particular the labour inspectorate, over the decisions and actions of the employers. The Government indicates in its reply that the observations submitted by the ITUC and ITF are based on a first working draft of the bill that is currently under discussion and remains open for further amendments. ***The Committee requests the Government to provide information on any progress made in the legislative reform process, including with respect to the observations of the ITUC and ITF, and to indicate the impact of this reform process on labour inspection activities.***

Articles 2, 3, 12(1)(a) and 16 of the Convention. Labour inspection in export processing zones (EPZs) and right of inspectors to freely enter any workplace liable to inspection. The Committee notes the information provided by the Government that, in 2023, the EPZ comprised a total of 277 establishments employing 134,945 people. It also notes that 287 inspections were carried out in EPZs between 1 March 2020 and 30 August 2020 and 357 between 1 January 2023 and 31 July 2023. In addition, the Committee notes the Government's indication that the Board of Investments did not inform the Government of any serious violations, sanctions imposed, industrial accidents or cases of occupational diseases in the EPZs. The Government also informs that labour officers assigned to district/sub-labour offices are required to submit their monthly Circuit Programmes (CP) to the Assistant Commissioner of Labour responsible for the respective district and obtain approval. When choosing establishments for inspections, both those chosen by the Assistant Commissioner of Labour in charge of the district and those chosen by the labour officers are selected for monthly inspections. Therefore, there is no need to seek individual approval for each labour inspection since approval is granted for the inspections scheduled for the month through the monthly CP. ***The Committee requests the Government to continue providing information on the number of labour inspections carried out in EPZs, specifying whether the inspections were announced or unannounced and whether they were in response to an accident or to a complaint. It also requests the Government to provide information on the statistics of the violations, industrial accidents and***

occupational diseases identified in EPZs and reported directly to the labour inspectorate, as well as the penalties imposed.

Articles 3, 4, 5(a), 16, 20 and 21. Effective functioning of the labour inspection system and reliable statistics to evaluate its effectiveness. Annual reports of the labour inspectorate. The Committee notes the information provided by the Government in its report which include statistics for the period 2021–23 on: (i) the number of labour inspectors in 2023, totalling 628 at various levels in the General Sector; (ii) the inspections under the Wages Boards Ordinance and the Shop & Office Employees Act; (iii) violations and penalties imposed; (iv) factories liable to inspection and those inspected; (v) fatal and non-fatal accidents reported under the enforcement of the Factories Ordinance; and (vi) court cases filed by labour officers and the amount recovered through prosecution. The Committee also notes that the 2022 annual report of the Department of Labour contains information on laws and regulations relevant to the work of the inspection service, as well as statistics on the number of labour inspectors, registered factories, inspection visits, court cases filed by labour officers and occupational accidents. However, the Committee notes once again that this annual report does not contain statistics on occupational diseases, or statistics of workplaces liable to inspection and the number of workers employed therein, other than factories, and on the sanctions imposed in case of violations, other than the proceedings filed for prosecution. Furthermore, the Committee notes the Government's information that the Labour Inspection System Application, initially implemented by the Department of Labour to streamline the inspection process, has encountered practical difficulties in its usage, leading to the development of a separate system dedicated to complaint management. The Committee also notes the information provided on the ongoing development of a National Labour Market Information System, envisioned as a comprehensive platform for gathering, analysing and disseminating information related to the country's labour market. ***The Committee requests the Government to take the necessary measures to ensure that the annual labour inspection report contains complete information on all the subjects listed in Article 21(a)–(g) of the Convention, in particular on: statistics of workplaces liable to inspection and the number of workers employed therein (Article 21(c)); statistics of violations and penalties imposed (Article 21(e)); and statistics of occupational diseases (Article 21(g)). In addition, the Committee requests the Government to provide detailed information on the implementation of the complaint management system and the National Labour Market Information System, including their impact on the effectiveness of the work of the labour inspectorate, both with regard to the number and type of inspections and the collection of statistics.***

Articles 3(1)(a) and (b), 9, 13 and 14. Role of the labour inspectorate in the field of OSH. Notification of industrial accidents and cases of occupational diseases to the labour inspectorate. The Committee notes the information provided by the Government that the Department of Labour fosters collaboration between general labour inspectors and OSH inspectors through an integrated labour inspection mechanism, with the aim of enhancing overall enforcement efforts and promoting compliance with OSH regulations. In addition, the Government reports that the Department of Labour is in the process of drafting a new Employment Bill that is expected to incorporate OSH provisions, replacing the existing Factories Ordinance No. 45 of 1942, and is developing an updated Inspection Guideline to implement effective labour inspection. The Government also reports that during inspections, labour inspectors are empowered to make observations regarding OSH components, which are then communicated to the factory inspecting engineers for further investigation. The labour inspectorate is notified of industrial accidents and cases of occupational diseases by the employer, in accordance with sections 61 to 63 of the Factories Ordinance, and also receives details of accidents from the insurance companies. The Committee takes note of the statistical data provided by the Government regarding fatal and non-fatal occupational injuries categorized by economic activity. Furthermore, the Committee notes the information provided by the Government that the labour inspectorate had only 3 OSH inspectors in 2023 and that 10 districts have factory inspector engineers. ***The Committee requests the Government to provide further information on the application of the integrated labour inspection mechanism and***

on any other measures taken to ensure that there is effective cooperation between general labour inspectors and OSH inspectors, with a view to securing the effective enforcement of the legal provisions relating to OSH. The Committee also requests the Government to provide more information on the number of inspectors specialized in OSH matters. In addition, the Committee requests the Government to indicate the manner in which it is ensured that the labour inspectorate is notified of cases of occupational diseases, in accordance with Article 14 of the Convention, and to provide further information on the application in practice of this provision, including statistics on occupational diseases notified.

The Committee is raising other matters in a request addressed directly to the Government.

Tajikistan

Labour Inspection Convention, 1947 (No. 81) (ratification: 2009)

Previous comment

Articles 3, 4, 5(b), 6, 17 and 18 of the Convention. Operation of the labour inspection system under the supervision and control of a central authority. Following its previous comments on the coordination between the State Inspection Service for Labour Migration and Employment (SILME) and the trade union inspectorates, the Committee notes that the Government, in its report, once again refers to cooperation between the two inspectorates through the Council for the Coordination of the Activities of Inspection Bodies, and to regular exchange of information. The Committee also notes the Government's indication that the Council meets annually to coordinate the activities of state and non-state inspectors. The Committee notes that, in the context of the ILO PARDEV Project "Improving labour inspection system in Tajikistan and Uzbekistan through South–South and triangular cooperation knowledge-sharing and peer-learning", a tripartite roundtable was held on 17 October 2023 in Dushanbe, to discuss the next steps to improve the national labour inspection system. Finally, the Committee notes the Government's statement that the role of the Prosecutor General's Office is to oversee the accurate and uniform application of legislation, including labour law, in line with article 93 of the Constitution of the Republic of Tajikistan. The Committee recalls once again that labour inspection is a public function and that, in accordance with *Article 6*, the inspection staff shall be composed of public officials. ***Accordingly, the Committee requests the Government to continue to take the necessary measures to strengthen the capacities of the SILME, as the central authority for labour inspection under Article 4 of the Convention. The Committee also requests the Government to continue to provide information on the measures taken to strengthen the capacities of the Council for the Coordination of the Activities of Inspection Bodies. In addition, the Committee requests the Government, once again, to provide concrete examples of the activities conducted by the Council and the manner in which it coordinates the activities of the two inspectorates in practice.***

Articles 6, 10 and 11. Status and conditions of service of labour inspectors. Number of labour inspectors and material means at their disposal. Following its previous comments on the material means at the disposal of the trade union inspectorate, the Committee takes due note that, according to the Government, the number of trade union inspectors has increased to 42, compared to the 24 it noted in 2021. Regarding the SILME, the Government previously indicated that there were 60 labour inspectors, but states that, currently, the SILME employs 60 civil servants, of which 48 are authorized to perform state supervision. In addition, regarding the application of section 37(1) of Law No. 1269 on Inspections of Economic Entities, which provides that the performance of an inspection body official should be assessed based on criteria including feedback from the inspected economic entities, the Committee notes the Government's statement that this provision does not impede the independence of labour inspectors. Nevertheless, the Government indicates that assessments of labour inspectors pursuant to section 37(1) are conducted at the request of the economic entities inspected, with a view to ensuring

that labour inspectors' methods continue to be up to date, that the checks performed were effective, and to provide feedback from the employer. ***The Committee accordingly requests the Government to provide further information on the manner in which the results of assessments conducted under section 37(1) of Law No. 1269 are used, including whether they are taken into account by the SILME in assessing the performance of labour inspectors. Regarding the number of labour inspectors at the SILME, the Committee requests the Government to indicate the reason for the decrease in the number of labour inspectors and to continue to take the necessary measures to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the SILME. The Committee once again requests the Government to indicate the material means at the disposal of trade union inspectorates, including information on tools and transport facilities available for inspections.***

Articles 12 and 16. 1. *Moratorium on inspections*. Following its previous comments on this issue, the Committee notes the Government's indication that the moratorium on inspections has been suspended since 30 December 2022 and that there is no such moratorium currently in force in Tajikistan. The Committee also notes the statistics provided by the Government with respect to the number of inspection visits conducted by the labour inspectorate in 2023. The Committee observes, however, that labour inspection still falls within the scope of the Law on Moratorium on Inspections of Business Entities No. 700 of 27 April 2022, which makes labour inspection vulnerable to further restrictions of this nature in the future. ***With reference to the Committee's 2019 general observation on the labour inspection Conventions and recalling that any moratorium placed on labour inspection is a serious violation of the Convention, the Committee once again urges the Government to take all the necessary measures to ensure the full application of Articles 12 and 16, and expects that no moratorium of this nature will be placed on labour inspection in the future. It requests the Government to continue to provide statistics on the number of inspection visits undertaken by the SILME, disaggregated by type of inspections (scheduled, unscheduled, additional, or follow-up) and by sectors, as well as on their outcomes.***

2. *Other restrictions on the powers of labour inspectors*. In its previous comments, the Committee noted that the legal restrictions imposed under Law No. 1269 on the powers of labour inspectors were still in force, including regarding: (i) the frequency of inspections (section 22); (ii) the duration of inspections (section 26); (iii) the ability of labour inspectors to undertake inspection visits without previous notice (sections 16, 19, 21 and 24); and (iv) the scope of inspections (section 25). In this regard, the Committee takes due note of the Government's indication that two bills to amend the Labour Code and Law No. 1269, respectively, have been drafted at the initiative of the Ministry of Labour, Migration and Employment, and are currently under consideration by the relevant ministries and authorities. The Committee also notes with ***deep concern*** the Government's indication that, pending adoption of those bills, labour inspectors continue to carry out inspections by giving advance warnings to employers. The Government indicates that, in 2023, the SILME carried out 2,818 enterprise inspections, out of which 2,313 were planned, 500 were unplanned and five were repeat inspections. The Committee observes in this respect that the Government does not provide statistics on any inspection visits conducted without previous notice. ***With reference to its 2019 general observation on the labour inspection Conventions, the Committee once again urges the Government to take all necessary measures to bring its national legislation and practice into full conformity with Articles 12 and 16 of the Convention. The Committee requests the Government to provide information on all developments in respect of the proposed amendments to the legislation and to provide a copy of those laws, once adopted. The Committee once again requests the Government to communicate a copy of the due diligence checklist established by the SILME for inspections.***

Articles 17 and 18. Powers of labour inspectors to ensure the effective application of legal provisions concerning conditions of work and the protection of workers. The Committee previously noted the restriction imposed by section 22(7) of Law No. 1269, which provides that sanctions on an economic

entity in the first two years of its activity may only be applied in certain exceptional cases. In this regard, the Committee notes the Government's indication that the Bill amending the Law No. 1269, which has yet to be adopted, proposes to lift those restrictions. The Government also indicates that in 2023, state labour inspectors found 13,183 violations and imposed fines amounting to 1,187,768 somoni (approximately US$111,369) on 838 employers and other company officials, for administrative offences relating to labour, migration and employment. The Government further indicates that law enforcement authorities initiated criminal proceedings against 38 employers and other liable company officials. Regarding the trade union inspectorate, the Committee notes the Government's statement that trade union inspectors have the right to initiate court proceedings immediately and without previous notice. The Government further indicates that, in 2023, trade union inspectors conducted 1,352 inspections, Including 41 joint inspections with state monitoring bodies, through which they detected 3,926 violations on labour protection, with 3,602 corrected within the deadline imposed by the inspector. ***The Committee requests the Government to continue to take the necessary measures to ensure that, in accordance with Articles 17 and 18, persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning, and that adequate penalties are imposed. In this regard, the Committee requests the Government to continue to provide information on the developments relating to the amendment of section 22(7) of Law No. 1269. The Committee requests the Government to provide statistics on the number of proceedings initiated by trade union inspectors when violations are found.***

The Committee is raising other matters in a request addressed directly to the Government.

Türkiye

Labour Inspection Convention, 1947 (No. 81) (ratification: 1951)

Previous comment

The Committee notes the observations of the Confederation of Turkish Trade Unions (TÜRK-İŞ), communicated with the Government's report on 20 October 2023.

COVID-19 and February 2023 earthquake measures. The Committee notes the information provided by the Government in its report that, during the COVID-19 pandemic, various measures were taken by the Directorate of Guidance and Inspection (DGI) to monitor employers' adherence to the Ministry of Health's guidelines and the Ministry of Labour and Social Security guides and checklists related to adequate occupational health and safety in workplaces. As a result, 195 workplaces were examined in 2021 after notifications and complaints regarding COVID-19 concerns. Furthermore, the Committee notes the Government's information regarding the two major earthquakes that hit 11 provinces in Türkiye on 6 February 2023, affecting 14 million people. It also notes that labour inspectors concluded 28,764 inspections related to short-term work applications made to the Provincial Directorates of the Ministry of Labour and Social Security in connection with the situation arising from the earthquakes. In addition, it notes the Government's information that inspections will be conducted to address any potential notices or complaints regarding working practices, including termination bans and unpaid leave. ***The Committee acknowledges the challenges faced by the Government and requests that it continue to provide updates on the measures taken in response to the earthquakes insofar as they relate to labour inspection activities.***

Article 3(2) of the Convention. Additional duties entrusted to labour inspectors related to immigration. Following its previous comments on the activities of the labour inspectorate in relation to migrant workers in an irregular situation, the Committee notes the Government's indication that the Turkish Irregular Migration Strategy Document and the National Action Plan, published by the Presidency of Migration Management, establish that the DGI is responsible for: (i) providing training to labour and social security inspectors on forced labour, labour exploitation and human trafficking; (ii) preparing

guidelines for inspectors and auditors regarding the sanctions to be applied to foreign workers without a work permit; (iii) providing statistical information on migrant workers found in an irregular situation; (iv) establishing a working group consisting of institutions and organizations working to reduce unregistered employment; and (v) including measures to prevent irregular foreign labour in the strategies and action plans of institutions and organizations engaged in efforts to reduce the number of unregistered workers. The Government also informs that training was provided for 140 labour inspectors on fighting against human trafficking within the framework of the Project "Strengthening the Human Rights Protection of Migrants and Victims of Trafficking in Türkiye" designed under the "Horizontal Facility Program for the Western Balkans and Türkiye" and implemented in cooperation between the European Union and the Council of Europe for the Western Balkans region and Türkiye. However, the Committee notes with ***concern*** that, according to the Government, 672 migrant workers were fined a total of 3,671,684 lira (US$120,953) between June 2020 and May 2023 for working without a work permit/exemption, along with fines for 330 workplaces employing migrant workers in violation of the legislation. The Committee recalls once again, as indicated in its 2006 General Survey on labour inspection, paragraph 78, that the function of verifying the legality of employment should have as its corollary the reinstatement of the statutory rights of all the workers if it is to be compatible with the objective of labour inspection, which is to protect the rights and interests of all workers and to improve their working conditions. In this respect, the Committee indicated, in its 2017 General Survey on certain OSH instruments, paragraph 452, that workers in a vulnerable situation may not be willing to cooperate with the labour inspection services if they fear negative consequences as a result of inspection activities. ***The Committee requests the Government once again to take measures to ensure that any duties entrusted to labour inspectors with respect to migrant employees or migrant self-employed do not interfere with the fundamental objective of securing the protection of workers, including migrant workers, in accordance with the primary duties set out in Article 3(1) of the Convention. The Committee also requests the Government to provide further information on the activities of labour inspectors in relation to migrant workers in an irregular situation, including specific measures undertaken by the inspectorate to ensure the enforcement of their rights. In this respect, the Committee requests the Government to provide detailed information regarding the time and resources of the labour inspectorate that are allocated to the inspection of migrant workers in an irregular situation in practice as a proportion of inspectors' overall time and resources, as well as detailed information regarding the number of migrant workers who received the wages and social security benefits to which they were entitled from their employment relationship.***

Articles 3, 5(b), 10 and 16. OSH inspections, including in the mining sector and in relation to subcontracting situations. Following its previous comments, the Committee notes the statistics provided in the Government's report regarding the number of inspections and administrative fines imposed in the mining sector (1,001 inspections and 337 fines in 2021, 1,281 inspections and 330 fines in 2022 and 19 inspections and 6 fines between January and May 2023). It notes that the Government reports that scheduled inspections are carried out in this sector without distinction between the main employer and subcontractors, and that annual inspections are regularly carried out in all mining workplaces, with a focus on underground metal mines and coal mines, due to potential high-risk incidents. In addition, the Committee notes that the total number of occupational accidents reported by the Social Security Institution (SSI) between 2017 and 2021 remains significant (359,866 in 2017, 431,276 in 2018, 422,837 in 2019, 384,605 in 2020 and 511,639 in 2021) and that the total number of OSH inspections carried out in the first five months of 2023 signals a drastic decrease compared to yearly statistics of the previous years (3,837 in 2020, 15,666 in 2021, 17,842 in 2022 and 167 from January to May 2023). ***The Committee requests the Government to continue to provide information on the measures adopted to increase the number of OSH inspections, in particular in response to the dramatic decline in 2023. It also requests the Government to continue to provide statistics on the number of OSH inspections carried out and occupational accidents and illnesses recorded in workplaces in general, disaggregating, where***

possible, data on workplaces with workers in subcontracting situations and in the mining sector. In addition, the Committee requests the Government to provide information about arrangements in place to ensure collaboration between officials of the labour inspectorate and employers and workers or their organizations.

Articles 5(a), 7(3), 17 and 18. Effective enforcement of laws and regulations providing for sufficiently dissuasive penalties. Effective cooperation between the inspection services and the justice system. Further to its previous comments, the Committee notes the information provided by the Government that the number of fines imposed per OSH inspection between 2020 and 2023 remained low (694 fines imposed in 2020, 2,831 in 2021, 4,292 in 2022 and 65 from January to May 2023). It also notes the absence of information regarding the number of enterprises suspended as a consequence of OSH inspections. ***The Committee requests the Government to continue to provide statistics on fines and sanctions imposed, as compared to the number of violations detected, and to provide statistics on the number of enterprises suspended as a result of labour inspections. It also requests the Government to provide information on the reason for the more recent decrease in the number of fines imposed. The Committee further requests the Government to continue to take the necessary measures to ensure effective cooperation between the inspection services and the judiciary and to provide detailed information in this regard.***

Articles 10 and 16. Number of labour inspectors, frequency and thoroughness of labour inspections. Following its previous comments, in which it noted a total of 974 labour inspectors in 2015 and 939 labour inspectors in 2020, the Committee notes the information provided by the Government that, as of May 2023, a total of 928 labour inspectors were employed in the DGI of the Ministry of Family, Labour and Social Services. While the Committee notes the Government's information that in June 2023 the DGI announced a recruitment drive to hire 100 assistant labour inspectors, it also notes that the Government has been indicating for many years that such a recruitment would take place. The Government also reports that the labour inspection activities conducted by the Directorate are strategically planned in specific areas or sectors identified through the assessment of issues in the working environment, including workplaces that present special risks or that serve specific risk-prone groups. The Committee notes the observation of the TÜRK-İŞ, which highlights the need to increase the capacity of the labour inspection board and of the power of inspections and sanctions in all priority matters, as well as to remove conditions that can prevent inspectors performing their duties independently in the audit process. ***The Committee requests the Government to take the necessary measures to ensure that the number of labour inspectors is sufficient to secure the effective discharge of their duties, and to ensure that workplaces are inspected as often and as thoroughly as is necessary to ensure the application of the relevant provisions. In particular, the Committee requests the Government to provide information on the progress of the announced recruitment process for new labour inspectors. Noting the absence of information on this matter, the Committee requests once again the Government to provide further information on the role of auditors in the labour inspection system, including their functions and powers.***

The Committee is raising other matters in a request addressed directly to the Government.

United Kingdom of Great Britain and Northern Ireland

Labour Inspection Convention, 1947 (No. 81) (ratification: 1949)

Previous comment

The Committee notes the observations of the Trade Union Congress (TUC), received on 23 September 2023 and the reply of the Government thereto.

Articles 6, 7(3), 10 and 11 of the Convention. Number and conditions of service of labour inspectors. Training. In reply to the Committee's previous comment, the Government indicates in its report that

(i) as of 1 May 2023, the total number of staff in the Health and Safety Executive (HSE) was 2,890; (ii) the number of regulatory inspectors in HSE is 641 and there are 335 specialist inspectors; and (iii) the number of inspectors devoted to or contributing to inspections is around 815. This figure fluctuates with new starters, retirements, and changes in job role, and it includes specialist inspectors who independently or jointly contribute to labour inspection. The Committee notes the TUC's indication that there has been an overall decrease in the number of inspectors over the past 10–15 years, including that staff numbers have been cut by 35 per cent since 2010, and that the number of inspectors has fallen by 41 per cent over 20 years.

With regard to the conditions of service of labour inspectors, the Government indicates that inspectors have the same terms and conditions as other members of staff appointed as civil servants when they join the HSE. The Government provides a table with the range of salary of each band and indicates that the HSE inspector roles cover a variety of banded posts, based on general civil service grades, ranging from Band 4 (trainees undertaking the Regulatory Training Programme) up to Band 1 (Head of Operations), and then into Senior Civil Service leadership posts. The Government further indicates that (i) the HSE has developed a talent attraction strategy to ensure that it attracts high quality candidates with the right skills and behaviours for the business requirements; (ii) it has enhanced its recruitment processes and has undertaken a guidance and policy review; (iii) the HSE has adopted a more proactive approach to recruitment, moving to a professional recruitment business partnering model and making better use of a range of external job boards to broaden its candidate pool; (iv) as part of the civil service, the HSE pay setting arrangements are covered by civil service pay guidance; and (v) pay is reviewed annually as part of formal pay negotiations with the HSE Trade Unions. Agreed changes, which are subject to affordability, are implemented through collective agreements. In its observations the TUC indicates that (i) retention is a key challenge and that the barriers to recruiting new inspectors are internal, namely the capacity to train; (ii) the HSE does not provide structured continuing professional development for inspectors; (iii) most inspectors leave to work for the industry; and (iv) changes in the balance between experienced and trainee inspectors has increased the training burden on experienced staff at the same time as numbers have fallen. In its reply, the Government indicates that (i) the HSE offers a structured programme of continuous professional development (CPD) to newly appointed inspectors upon completion of the Regulatory Training Programme and a suite of CPD based on specific common hazard areas; (ii) Regulatory Divisions within the HSE identify and provide regulatory CPD specific to the regulatory tasks associated with the delivery of their planned inspection campaigns; (iii) the HSE is considering options for a regulatory CPD scheme as a component of its review of the Regulatory Training Programme; and (iv) it continues to recruit significant numbers of trainee regulatory inspectors. Although this creates a need for training by other inspectors, training is designed to ensure that trainee inspectors make a significant and valuable independent contribution to the work carried out by operational teams as early as possible.

The Committee notes that the Annual Report of the HSE for 2022–23 indicates that (i) recruitment within HSE faces many challenges over 2023–24 such as a "candidate led market", competition with the private sector regarding pay for specialized roles and a high cost of living; (ii) there are long-standing concerns over pay and benefits of the HSE staff, and many are affected by this now due to increases in energy prices and the cost of living; (iii) there were 288 staff leaving the HSE in 2022–23 (in comparison to 281 in 2021–22). Of those that left, 50 moved to new posts in other government departments and 71 retired, 11 colleagues were dismissed and 21 fixed-term appointments concluded. The Committee further notes that the Public Bodies Review of the HSE of March 2023 indicates that a review of the pay structure with a view to the possible implementation of a capability-based system has been under way for some months. The report recommends it be prioritized for introduction in the new financial year. ***The Committee requests the Government to take the necessary measures to ensure that there is a sufficient number of labour inspectors for the effective discharge of the duties of the inspectorate and to continue to provide information on the number of labour inspectors who are conducting inspections,***

indicating the number of visiting staff. The Committee requests that the Government provide information on the review of the pay structure and its impact on the conditions of service of labour inspectors. The Committee further requests the Government to provide information on the review of policy and guidelines for recruitment and the impact on the recruitment of new inspectors and the career progression of HSE inspectors. Noting that the number of inspectors leaving remains high, the Committee requests the Government to take necessary measures to improve the conditions of service in order to ensure the retention of HSE inspectors. Lastly, the Committee requests the Government to provide details on the review of the CPD training provided to HSE inspectors. The Committee once again invites the Government to consider engaging in discussions with the social partners on this issue and requests the Government to provide information on the outcome of any discussions undertaken.

The Committee further notes the TUC's indication that the HSE's strategy for 2022–32 "Protecting People and Places" is becoming a large-scale change programme as the HSE is seeking to reshape itself, through restructure and consideration of delivery functions. The trade union argues that this is evident with the development of projects to amalgamate the Field Operations Division (FOD) and Construction Division (CD), but also to separate the functions of proactive/inspection and reactive/investigation. According to the TUC, the HSE is currently rolling out this new structure, which reduces the number of inspector teams across the country from 64 down to 47 (with another 4 temporary teams to accommodate current trainee inspector capacity). Bearing in mind that in 2006 there were 85 teams, this is a 45 per cent reduction that is mirrored by the reduction in inspector staff over time. The TUC further indicates that inspector members have expressed significant concerns about this move, which would also expose a smaller number of inspectors to concentrated levels of investigations of fatal and serious injury accidents. The TUC also indicates that in devising the strategy 2022–32, the HSE did not seek, in a formal public consultation, the opinion of stakeholders such as trade unions, victims' groups or the general public.

In its reply, the Government indicates that the separation of inspection and investigation work relating to non-major hazard sites was one of several organizational design decisions made by the HSE's Executive Committee in July 2022. This change would enable frontline colleagues to develop more specialist skillsets and to achieve better regulatory impact and outcomes. The specialization and improved focus on inspection or investigation would enable greater efficiencies, improved operational performance and improved flexibility in how the HSE can deploy its workforce on regulatory priorities. Learning has been taken from the previous pilot (Enhancing Frontline Delivery) which was conducted between 2007 and 2009. This change is the first in a number of interdependent strategic projects to enable delivery of the HSE strategy 2022–32. The Government also indicates that the project creates three new divisions: Investigation, Inspection and Specialists. The Government confirms that there will be a smaller number of teams in the new Inspection and Investigation Divisions than currently exist in FOD and CD. However, the Government states that the management spans in some existing FOD and CD teams are too low, and it is not right for the HSE to allow this inconsistent situation to continue. Rather than the reduction in inspector numbers described, this will result in a move of inspectors to work in other priority areas including major hazards regulation. This also creates career development opportunities for inspectors. Lastly, the Government indicates that the HSE has started a review of existing arrangements to support staff who may be exposed to traumatic events, including learning from other public bodies and emergency services. ***The Committee requests the Government to continue to provide information on the implementation of the HSE's operational model for delivery of inspection and investigation work and on its impact on the staffing of the HSE. The Committee also requests the Government to provide information on the measures adopted in order to ensure the health and safety of inspectors, including those exposed to traumatic events in the performance of their duties.***

Article 11. Financial resources of the labour inspection services. In reply to the Committee's previous comment, the Government indicates that the Spending Review 2021 Settlement (budgets for 2022–23 to 2024–25) provided additional "spend to save" funding for the HSE to develop its digital capability and

replace obsolete operational systems. It also provided additional resources to deliver key government priorities such as establishing the Building Safety Regulator (BSR) for England. The Committee notes that, according to the Annual report of the HSE for 2022–23: (i) the total expenditures for the year were £262 million, of which £90 million came from income and cost recovery and £172 million from Government funding; and (ii) there will be a 5 per cent (corresponding to a £7 million) reduction in funding to be implemented by 2024–25. The Committee further notes that, according to the 2023 Public Bodies Review of the HSE, this reduction of funding represents a substantial efficiency challenge, that the HSE needs to make quick progress on delivery of those savings, and that any other substantial efficiency can only be delivered by delaying or ceasing current areas of work, which will mean difficult choices by Government, as no readily acceptable areas were presented. In its observation, the TUC indicates that the HSE's budget in 2021–22 is 43 per cent down from 2009–10 in real terms on a comparative basis.

As regards the cost recovery scheme, the Government indicates that the Fee for Intervention (FFI) was introduced in 2012 and was subject to an independent review in 2014. The review found no reason to conclude that the overall level of compliance with health and safety legislation has changed significantly because of the introduction of the FFI. The Government also indicates that the HSE conducts an annual duty holder survey. Analysis of results of the duty holder survey for 2022–23 indicate that employers considered that the inspection activity was appropriately targeted. Employers indicated that the regulatory outcome of their inspection was efficient, effective and proportionate to the risks identified. They also said the advice they received from the inspector would improve their risk management. Responses from employers who incurred charges under the FFI regulations because of the risks identified during inspection were not significantly different from those of employers who did not. The Government reports that the HSE is funded net of cost recovery and as such sets annual budgets for cost recovery including FFI, though inspectors do not have individual targets under the scheme. ***The Committee requests the Government to continue taking the necessary measures to ensure that sufficient budgetary resources are allocated for labour inspection. In particular, the Committee requests the Government to provide details on the implementation of the reduction in funding by 2024–25 and the impact on the effectiveness of the HSE in delivering its mandate.***

Articles 17 and 18. Prompt legal proceedings for violations of the legal provisions enforceable by labour inspectors. In reply to the Committee's previous comment, the Government indicates that in April 2022, the HSE implemented changes to the roles of principal inspectors and inspectors in the Operations Divisions specifically relating to their role in the commencement of, and preparation and presentation of criminal proceedings. Historically inspectors, other than those in Scotland where there is a different legal system, were responsible for making decisions on whether the Code for Prosecutors was satisfied in a particular case. Inspectors were also responsible for commencing proceedings and may also, in some instances, have presented cases in Magistrates Court. Since April 2022, these functions are now undertaken by members of HSE's Legal Services Division who are authorized as inspectors solely for the purpose of the institution of proceedings. The changes were introduced to further enhance the independence of decision-making and improve the efficiency and consistency of decisions in relation to prosecutions. A further objective of the changes was the more effective use of inspectors' resources, reducing the time spent by inspectors on reviewing evidence, drafting prosecution decisions, preparing prosecution files and liaising with duty holders and/or their legal representatives in connection with criminal proceedings. The changes have also reduced the requirement for inspectors to attend administrative hearings. The role of the inspectors in criminal proceedings is now focused on their role as the investigator, a professional witness and where appropriate, disclosure officer in the prosecution. On the matter of time and resources dedicated to legal proceedings, the Government indicates that inspectors do what is required, which varies year to year and with the complexity of the cases. The Committee further notes that, according to the Annual Report of the HSE, there were 216 completed prosecutions for the period 2022–23 (in comparison to 355 cases in 2019–20, 396 in 2018–19 and 509 in

2017–18), confirming the decreasing trend noted in the Committee's previous comment. ***The Committee requests that the Government provide information on the impact of the changes concerning the commencement of, and preparation and presentation of criminal proceedings with regard to the prosecution of cases reported by labour inspectors, and also provide detailed information on the results of these prosecutions with respect to types of sanctions imposed and monetary amounts assessed and recovered.***

The Committee is raising other matters in a request addressed directly to the Government.

Uzbekistan

Labour Inspection Convention, 1947 (No. 81) (ratification: 2019)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 2019)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Articles 12, 15(c) and 16 of Convention No. 81 and Articles 16, 20(c) and 21 of Convention No. 129. Powers of labour inspectors. 1. *Moratorium on inspections.* Following its previous comment, the Committee notes with ***deep concern*** the Government's statement that at present, no scheduled inspections are conducted in business entities due to a moratorium on inspections of the financial and economic activities of business entities, except for inspections conducted as part of criminal cases and in connection with the liquidation of a legal entity. The Government adds that, on the basis of applications from legal entities and individuals, the State Labour Inspectorate (SLI) has the right to initiate an inspection within the framework of the issues raised in the complaint. The Committee notes that the Presidential Decree No. UP-5490 of 15 March 2019 on Measures to improve radically the rules governing the protection of entrepreneurial activity and optimize the activities of the prosecutor's office, which has established a ban on inspection activities starting from September 2018, is still in force. ***Recalling once again that a moratorium placed on labour inspection is a serious violation of the Conventions and with reference to its 2019 general observation on the labour inspection Conventions, the Committee urges the Government to eliminate the temporary ban on inspections and to ensure that labour inspectors are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in compliance with Article 16 of Convention No. 81 and Article 21 of Convention No. 129.***

2. *Other limitations on labour inspections.* The Committee notes with ***deep concern*** that the restrictions on labour inspections, noted in the previous comment, established in the Presidential Decree No. UP-5490 of 15 March 2019, are still in force. In particular, section 5 of the Presidential Decree provides that: (i) all inspections of the activities of business entities conducted by regulatory authorities are subject to mandatory registration in the Unified System of Electronic Registration of Inspections; (ii) inspections carried out without registration in the Unified System of Electronic Registration of Inspections are illegal; and (iii) from 1 April 2019, the coordination of inspections and control over the legality of their conduct are carried out by the Commissioner under the President of the Republic of Uzbekistan for the protection of the rights and legitimate interests of business entities (hereinafter referred to as the authorized body). The Committee also notes that according to section 8 of the same Presidential Decree, the Ministry for the Development of Information Technologies and Communications, together with the Prosecutor General's Office, shall develop the Unified System for Electronic Registration of Inspections which allows: (i) the authorized body to study the validity of the decisions taken by the regulatory authorities to conduct inspections and issue a permit with a unique code for their conduct; (ii) to supervise the compliance of regulatory authorities with the procedure for

conducting inspections established by law; and (iii) business entities to receive, upon their request, information about the inspection in the form of short messages (SMS), as well as via the Internet in real time. The Committee notes that Annexes 1 and 2 of this Presidential Decree also set limitations on the duration of the inspections (one day for unscheduled inspections and between one and ten days for scheduled inspections). The Committee further notes that section 4 of the Presidential Decision No. PP-3913 of 20 August 2018, which provides that inspections based on a complaint cannot last longer than one working day and that during an inspection, inspectors may not interfere in the organization's financial management activities, or any other of its activities that are unrelated to the object of the inspection, is still in force.

The Committee further notes the Government's reference to the adoption of the Presidential Decree PP-374 of 13 September 2022, on measures to improve the procedure for coordinating inspections of business entities. The Committee notes with ***deep concern*** that this decree contains a number of restrictions to the powers of labour inspectors, namely: (i) labour inspectors are obliged to provide a notification to the business entity of the commencement of the inspection no later than ten working days in advance and labour inspectors cannot conduct re-inspections (section 3(a)); (ii) business entities have the right to refuse inspections when the order to conduct an inspection was not drawn up in accordance with the established procedure or if the advance notification of the inspection was not carried out (section 3(b)); (iii) inspection activities are carried out only after preventive measures have been implemented (section 8 of the Appendix to the Decree); (iv) inspectors need to submit an application for approval of inspections to the authorized body (section 9 of the Appendix to the Decree); (v) the authorized body has the right to refuse inspections when: (a) the application for approval of the inspection has not been posted in the Information System; (b) in the event of initiation of an inspection in violation of the requirements of the legislation on appeals from individuals and legal entities; (c) if the facts that are the basis for initiating an inspection of a business entity are not confirmed; and (d) in case of violation of other requirements of legislation related to the activities of business entities (section 14 of the Appendix to the Decree); (vi) the order for inspections shall contain the purpose of the inspection, the term, and the period of activity subject to inspection (section 15 of the Appendix to the Decree); (vii) during the inspection, officials of the supervisory authority must not go beyond the timeline, the scope of their powers and the issues defined in the inspection programme (sections 23 and 25 of the Appendix to the Decree); (viii) before the start of the inspection, the inspector shall familiarize the head of the business entity with the purpose of the inspection, present him with an official ID giving the right to conduct the inspection, and provide copies of the documents that are the basis for the inspection (section 18 of the Appendix to the Decree); and (ix) inspections can only be carried out during working hours (section 25 of the Appendix to the Decree).

The Committee notes the Government's indication in its report that in 2022, labour inspectors carried out 23,930 inspections and audits, of which 4,997 were conducted in accordance with the approved plan in state organizations, 47 with the permission of the Commissioner for Entrepreneurs' Rights at business entities, 3,713 as specialists engaged by the investigative authorities, and 15,173 based on complaints from individuals.

The Committee further notes that according to section 5 of the Appendix 2 of the Decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 246 of 27 April 2017, concerning audits of occupational health and safety measures in workplaces to be carried out by legal entities on a contractual basis, no planned inspections should be carried out for three years in workplaces which are certified through such audits.

Lastly, the Committee notes that section 10 of the Regulations on the SLI, which provides for the powers of the inspectors, does not include the power to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on matters concerning the application of the legal provisions (*Article 12(1)(c)(i)* of Convention No. 81 and *Article 16(1)(c)(i)* of Convention No. 129) or the

power to take or remove, for purposes of analysis, samples of materials and substances used or handled (*Article 12(1)(c)(iv)* of Convention No. 81 and *Article 16(1)(c)(iii)* of Convention No. 129).

Noting the extent and the gravity of these restrictions, the Committee once again urges the Government to take the necessary measures to ensure that labour inspectors: (i) are empowered to make visits to workplaces liable to inspection without previous notice, in conformity with Article 12(1)(a) of Convention No. 81 and Article 16(1)(a) of Convention No. 129; (ii) are empowered to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed in conformity with Article 12(1)(c) of Convention No. 81 and Article 16(1)(c) of Convention No. 129; (iii) can choose not to notify the employer or his representative of their presence, if they consider that such notification may be prejudicial to the performance of their duties, in accordance with Article 12(2) of Convention No. 81 and Article 16(3) of Convention No. 129; and (iv) are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in compliance with Article 16 of Convention No. 81 and Article 21 of Convention No. 129.

The Committee recalls once again that, in the context of the implementation of the Decent Work Country Programme 2021–25, the Government can avail itself of the technical assistance of the ILO.

In addition, recalling once again that the performance of a sufficient number of unannounced inspection visits, as compared to inspections with prior notice, is necessary to enable labour inspectors to discharge their obligation of confidentiality with regard to the source of any complaint and also to prevent the establishment of any link between the inspection and a complaint (Article 15(c) of Convention No. 81 and Article 20(c) of Convention No. 129), the Committee requests the Government to indicate the measures adopted in order to ensure that labour inspectors treat as absolutely confidential the source of any complaint and give no intimation to the employer that an inspection visit was made in consequence of the receipt of such a complaint. The Committee requests the Government to indicate the number of scheduled inspections carried out based on the authorization of the competent authority and of those inspections conducted as a result of a complaint. The Committee also requests the Government to provide information on the number of requests for inspections submitted to the competent authority and the number of cases where such authorization was refused, and to indicate the reasons for the refusal.

Articles 17 and 18 of Convention No. 81 and Articles 22 and 24 of Convention No. 129. Effective enforcement and adequate penalties. The Committee notes the indication in the Government's report that, in accordance with the Occupational Safety Act, and also the Regulations on the State Labour Inspectorate (SLI), when violations of legislation are detected, the labour inspectors will first issue an order to address the violations identified and take preventive measures. The Government adds that, in the event of failure to comply with the order, in accordance with the Administrative Liability Code, inspectors shall consider cases of administrative offences under the articles 49, 49-1, 49-2, 49-3, 49-4, 50, 50-1, 51 and 51-1 of the Administrative Liability Code. The Government also indicates that inspectors are not empowered to impose administrative fines and that when administrative proceedings are brought against business entities, state labour inspectors submit the materials to the court in accordance with article 245(3) of the Administrative Liability Code. The Committee also notes the Government's indication that in 2022, inspectors identified 89,586 violations of labour legislation, and issued 9,331 orders to remedy the violations identified, 10,622 enterprise officials were brought to administrative responsibility in the form of an administrative penalty, 1,098 items were handed over to law enforcement agencies, including 878 items resulting from special investigations of industrial accidents, and that in 9,535 cases of breaches of labour legislation identified, no penalties were imposed against enterprise officials as a result of prompt remedial actions. The Committee recalls that according to *Article 17(2)* of Convention No. 81 and *Article 22(2)* of Convention No. 129, it should be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings. ***Therefore, the Committee requests the Government to adopt the necessary measures in***

order to give effect to these provisions of the Conventions. The Committee further requests the Government to provide information on the nature and number of violations detected in the course of inspections, the number and nature of proceedings referred to the court and the subsequent sanctions imposed, including the amount of fines.

The Committee further notes the Government's indication that section 538 of the Labour Code establishes liability for the obstruction of labour inspectors in the performance of their duties. However, the Committee notes that the legislation does not establish a sanction for such violation. In this regard, the Government indicates that work is under way to establish a measure of responsibility. ***The Committee requests the Government to indicate the measures adopted in order to introduce sanctions for cases of obstruction of labour inspectors in the performance of their duties.***

The Committee is raising other matters in a request addressed directly to the Government.

Viet Nam

Labour Inspection Convention, 1947 (No. 81) (ratification: 1994)

Previous comment

The Committee notes the observations of the Viet Nam General Confederation of Labour (VGCL) transmitted with the Government report.

Article 3(2) of the Convention. Additional functions entrusted to labour inspectors. The Committee notes that, in reply to its previous request, the Government indicates in its report that inspectors of the Departments of Labour, Invalids and Social Affairs (DOLISA) spend from 20 to 40 per cent of their time and about 50 per cent of their human resources on inspections concerning labour, occupational safety and health (OSH), and social insurance. The Committee also notes the Government's indication that, since 2019, inspectors under Ministry of Labour, Invalids and Social Affairs (MOLISA) have not been involved in settling of complaints and denunciations. ***The Committee requests the Government to provide information on the additional tasks performed by DOLISA inspectors in the portion of time (60 to 80 per cent) which is not spent on labour-related inspections. It also requests the Government to take the measures necessary to ensure that, in accordance with Article 3(2) of the Convention, any duties which may be entrusted to labour inspectors in addition to their primary duties shall not be such as to interfere with the effective discharge of those primary duties, and to explain how such non-interference is monitored and assured.***

Articles 5(a) and 16. Inspections as often and as thoroughly as necessary. Self-inspection and self-assessment. Annual inspection plans. In reply to the Committee previous comment, the Government indicates that with the enforcement of the Directive of the Prime Minister No. 20/CT-TTg dated 17 May 2017 regarding the Reorganization of Inspection and Examination Activities for Enterprises, the number, frequency, areas and scope of inspections follow approved plans and inspections have clearer purposes and focus. The Committee also notes that the VGCL indicates that in practice, besides the positive impacts, the implementation of the Directive has also affected and reduced the frequency and number of inspections. It also indicates that there are situations where trade unions report violations by enterprises, but inspections are not conducted for a long time. ***The Committee requests the Government to provide its comments in this respect.***

The Committee further notes that section 56(2) of the 2022 Law on Inspection, which entered into force in July 2023, provides that re-inspections can occur only after two years from the date of signing of the inspection conclusions. The Committee observes once again that restrictions on the frequency and scope of inspections could pose limitations on the ability of labour inspectors to inspect workplaces as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions, in accordance with *Article 16*. The Committee also notes the Government's information regarding the number of scheduled inspections conducted by MOLISA inspectors since 2019

(736 enterprises and employers and 23 groups/corporations with 273 member companies and affiliates), the number of enterprises inspected by the MOLISA Department of Labour Safety on OSH matters (51 enterprises in 2020, 43 in 2021, 39 in 2022 and 23 in the first half of 2023), and the number of inspections conducted by DOLISA since 2019 (5,841 scheduled inspections and 161 unscheduled inspections). The Government also refers to specific inspection campaigns that were launched in addition to regular inspections, such as in the wood processing industry, construction and insurance operations. With regard to the overlapping mandate and functions of inspection bodies, the Government indicates that, while in 2019, 32 inspections by MOLISA were not carried out as planned due to such overlap, since 2020, under the Directive No. 20/CT-TTg, the MOLISA inspectorate has reviewed and cross-checked inspection targets and purposes with other agencies to avoid overlaps in inspection. With regard to the DOLISA inspections the overlaps were reduced to 13 cases. The Committee also notes that the 2022 Law on Inspections contains detailed provisions for the resolution of overlaps between different inspection bodies. ***The Committee once again requests the Government to adopt the necessary measures to ensure that workplaces are inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions. In particular, the Committee requests the Government to take the necessary measures to ensure that there are no limitations to re-inspections. Moreover, the Committee requests that the Government continue to provide statistics on conducted inspection visits, disaggregated by year, sector and by inspection type (inspections performed according to inspection plans, regular inspections or ad hoc inspections). It also requests the Government to continue to provide information on the inspection activities of the MOLISA and DOLISA inspectorates that were not carried out due to overlapping in functions and mandate with other inspection bodies.***

Lastly, with regard to self-inspections, the Government refers to Circular No. 17/2018/TT-BLDTBXH on self-inspection of compliance with the labour law. It indicates that DOLISA inspectors can help enterprises register for an account and report their results of self-inspection online. These results will be evaluated in order to formulate recommendations to enterprises and to develop inspection plans to be submitted to competent authorities for approval. The Government indicates that since 2019, the number of enterprises having registered accounts was 15,327, but that only 10,410 enterprises have reported online. For enterprises that do not perform self-inspection, MOLISA and DOLISA inspectors will collect their details and include some of them in their inspection plans in the following years. The Government also refers to the revision of regulations to ensure that sanctions are adequate to facilitate enforcement. ***The Committee requests the Government to indicate the number of enterprises that failed to submit the self-inspection report and were later included in inspection plans, as well as the number of enterprises that failed to submit their self-inspection report and subsequently were not included in inspection plans. Recalling once again that self-inspection and self-assessment should be complementary to, and not replace, labour inspection, the Committee requests the Government to continue to provide information on the measures taken to ensure compliance with self-inspection obligations, including revision of sanctions.***

Articles 5(a), 20 and 21. Publication of an annual inspection report. In reply to the Committee's previous comment, the Government indicates that the annual review report by the MOLISA inspectorate is prepared and publicly announced on the MOLISA website. The Committee notes that no hyperlink to the report was provided and that the labour inspection report has not been transmitted to the ILO. The Government further indicates that MOLISA will work with the ILO Office in Hanoi to ensure that this annual report will be prepared in accordance with the Convention and sent to the ILO on time. ***The Committee once again requests the Government to pursue all efforts to ensure that the annual report of the labour inspectorate is published and transmitted to the ILO in the near future, in accordance with Article 20 of the Convention, and that this annual report contains information on all the subjects listed under Article 21.***

Articles 10 and 11. Resources available to the labour inspectorate. Further to its previous comments, the Committee notes the Government's indication that there are currently 55 MOLISA inspectors (69 reported in 2020) and 379 DOLISA inspectors (395 reported in 2020). With regard to the material resources and the implementation of the provisions of the Circular No. 16/2019/TT-BLDTBXH, the Government indicates that all MOLISA inspectors are provided with desktop computers and internet connection while DOLISA inspectors are equipped with 357 desktop computers and 161 laptops. However, the Government indicates that at present, DOLISA inspectors are not fully provided with a number of specialized equipment such as cameras, recorders, dust measuring devices, vibration meters, light intensity meters or ultrasonic material thickness meters. The Committee also notes that section 113 of the 2022 Law on Inspection provides that the State shall adopt policies to invest in and develop science and technology and other means to facilitate the organization and operation of agencies performing the inspection function; develop a database to serve inspection work; apply information technology and digital technology in inspection activities; and set inspection standards to ensure quality, efficient, feasible, lawful, public and transparent inspection activities. ***The Committee requests the Government to continue to provide information on the measures adopted in order to ensure that the labour inspectorate has sufficient human and material resources for the effective discharge of its duties, including the provision of specialized equipment. The Committee also requests the Government to indicate the measures adopted to give effect to the provision of section 113 of the 2022 Law on Inspection.***

Article 12. Inspection visits and powers of labour inspectors. The Committee notes the Government's indication that the inspected entities receive advance notice for all inspections conducted. It also notes that section 63 of the 2022 Law on Inspection provides that the heads of inspection teams shall send notices of announcement of inspection decisions to inspected subjects. Such notice must clearly state the inspection place, time and participants. The Committee further notes that according to section 59 (3) and (4) of the same law, for a scheduled inspection, the inspection decision shall be sent to the inspected subject and announced at least 15 days before the date of direct inspection. For an unscheduled inspection, the inspection decision shall be sent to the inspected subject and announced before the direct inspection is conducted. Section 64(3) of the 2022 Law on Inspection provides for exceptions to the prior notice for specialized inspection activities, in case of detecting a violation that needs to be immediately inspected. In this case, the announcement of the inspection decision may be conducted after the minutes of violation committed by the inspected subject is made. The Committee further notes that according to section 59(1) of the 2022 Law on Inspection, for the preparation of the inspection, the heads of inspection bodies shall issue an inspection decision defining the scope, content, subject, period, tasks and duration of the inspection. ***The Committee requests once again that the Government take the necessary measures in order to bring its legislation in line with the Convention to ensure that labour inspectors are empowered to enter freely and without previous notice any workplace liable to inspection at any hour of the day or night. The Committee requests that the Government provide information on the manner in which the exceptions in section 216 of the Labour Code, section 22 of Decree No. 110/2017/ND-CP, and section 64(3) of the 2022 Law on Inspection are applied in practice, including the number of inspections undertaken without previous notice and the results of such inspections. Lastly, the Committee requests the Government to indicate whether inspectors have the power to conduct examinations that go beyond the scope and content established in the decision for inspection, issued pursuant to section 59(1) of the 2022 Law on Inspection.***

The Committee is raising other matters in a request addressed directly to the Government.

Zimbabwe

Labour Inspection Convention, 1947 (No. 81) (ratification: 1993)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1993)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Articles 3(1)(a) and (b), 4 and 6 of Convention No. 81 and Articles 6(1)(a) and (b), 7 and 8 of Convention No. 129. Functions assumed by designated agents. Further to its previous comments, the Committee notes the information provided by the Government that the Labour Administration Department is the central authority regarding all functions of the labour administration, including labour inspections, and that the process of recruitment of designated agents (Das) is initiated by the employment councils, followed by their appointment and registry by the Registrar of the Labour Administration Department. Furthermore, the Government reports the adoption of the Labour Amendment Act No. 11 of 2023, which increases the supervisory role of the Labour Administration Department over the DAs. The Committee also notes that section 63 of the Labour Act was amended, expanding the authority of labour officers to address matters concerning dispute or unfair labour practice that were previously under the exclusive jurisdiction of Das. The Government adds that the Labour Act as amended provides the minimum educational qualifications required for the appointment of a DA, who shall hold a university degree relevant to the industry, and that the employment councils are entrusted to guarantee training and updating of skills to its Das. Training is also provided by the inclusion of Das in programmes and symposia provided for labour officers by the Labour Administration Department. The Government also indicates that the National Employment Council (NEC) Agriculture Das enjoy contracts without limits of time and subject only to termination as permitted by the Labour Act. The remuneration of the Das takes into account the need to secure their functional independence. ***The Committee requests the Government to provide information on the number of labour inspections carried out by the Das in their performance of labour inspection functions, as well as the number of violations detected and penalties imposed. The Committee requests the Government once again to provide further information on the status and conditions of service of Das, performing labour inspection functions (Article 6 of Convention No. 81 and Article 8 of Convention No. 129), including their conditions of job security and levels of remuneration in comparison to job security and remuneration for other employees performing labour inspection functions. Lastly, the Committee requests the Government to indicate the status and conditions of service of Das, other than those employed in the NEC Agriculture (type and duration of contract, conditions of dismissal, etc.).***

Article 13 of Convention No. 81 and Article 18 of Convention No. 129. Preventive measures by labour inspectors with immediate executory force. In response to its previous comment, the Committee notes the information provided by the Government that the Factories and Works Act and accompanying regulations empower inspectors to make orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers in agricultural workplaces. The Committee notes that this is in contradiction with the previous information provided by the Government according to which the jurisdiction of inspectors under the Factories and Works Act is limited to factories and building works, leaving a gap with respect to non-factory environments, such as agriculture. The Government also reports that the draft of the OSH Bill was finalized and now awaits processing by the recently appointed new Government. ***The Committee requests the Government to provide examples of instances when labour inspectors have undertaken preventive measures with immediate executory force, including but not limited to issuing prohibition notices or ordering work stoppages, including the number and nature of such preventive measures adopted in the agricultural sector. Noting once***

again that the Government has been referring to the proposed or upcoming OSH Bill for a number of years, the Committee firmly expects that the Government will soon be in a position to provide specific information on the adoption of the Bill, including the scope of OSH coverage with respect to inspections and prosecutions.

The Committee is raising other matters in a request addressed directly to the Government.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 81** *Albania, Antigua and Barbuda, Bangladesh, Barbados, Chad, Comoros, Germany, Ghana, Guatemala, Guinea-Bissau, Guyana, Honduras, Indonesia, Israel, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Montenegro, Morocco, Mozambique, Netherlands, Netherlands (Aruba), Netherlands (Caribbean Part of the Netherlands), Netherlands (Curaçao), Netherlands (Sint Maarten), New Zealand, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Syrian Arab Republic, Tajikistan, Tunisia, Türkiye, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Kingdom of Great Britain and Northern Ireland (Gibraltar), United Kingdom of Great Britain and Northern Ireland (Guernsey), United Kingdom of Great Britain and Northern Ireland (Isle of Man), United Republic of Tanzania (Tanganyika), Uzbekistan, Viet Nam, Zimbabwe;* **Convention No. 129** *Albania, Germany, Guatemala, Guyana, Italy, Kazakhstan, Kenya, Latvia, Madagascar, Malawi, Malta, Montenegro, Morocco, Netherlands, Norway, Panama, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Syrian Arab Republic, Uzbekistan, Zimbabwe;* **Convention No. 150** *Ghana, Guinea, Guyana, Italy, Liberia, Romania, Russian Federation, Rwanda, Serbia, Seychelles, Spain, Suriname;* **Convention No. 160** *China (Hong Kong Special Administrative Region), Eswatini, Finland, Slovakia, Sweden, Switzerland.*

Employment policy and promotion

Armenia

Employment Policy Convention, 1964 (No. 122) (ratification: 1994)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee notes the observations of the International Trade Union Confederation (ITUC), received on 27 September 2023, and the observations of the International Organisation of Employers (IOE), received on 1 September 2023. ***The Committee requests the Government to provide its comments in this respect.***

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, 5–16 June 2023)

The Committee recalls the discussion that took place at the Conference Committee on the Application of Standards (CAS), at its 111th Session in 5–16 June 2023, concerning the application of the Convention. The Committee observes that the CAS, while acknowledging the steps taken by the Government to reduce informality and promote employment among women and young persons, persons with disabilities and other marginalized groups, noted that further steps needed to be undertaken in these areas as well as on vocational education and training and activities of private employment agencies. The Committee notes that, in its conclusions, the CAS requested the Government, in consultation with the social partners, to: (i) continue to develop an employment policy to address both in law and practice the remaining issues, notably the existing barriers to employment for disadvantaged groups, including women, young persons, persons with disabilities and persons vulnerable to intersectional discrimination; (ii) take steps to improve the employability of young persons, notably through vocational education and training programmes; (iii) take steps towards establishing control mechanisms under the national legislation to monitor the activities of private employment agencies, including considering the possibility of ratifying the Private Employment Agencies Convention, 1997 (No. 181) ; and (iv) ensure cooperation with the social partners on existing labour market issues, annual employment programs as well as on their implementation and provide concrete examples of the manner in which social partners are included in the development, implementation and review of employment policies and programmes and their views duly considered. The Committee also notes that the CAS requested the Government to provide the Committee with detailed updated information, by 1 September 2023, on: (i) measures taken to promote full productive employment, including those adopted in the framework of the Decent Work Country Programme (DWCP) 2019–23; (ii) the development and adoption of the National Employment Strategy (NES) and to provide a copy once adopted; (iii) statistical data disaggregated by sex and age on employment trends in the country, particularly on employment, unemployment and underemployment; (iv) statistical data disaggregated by sex, age and region, on the nature, scope and impact of the measures and programmes implemented to promote the employment of groups vulnerable to decent work deficits, including women, young persons, persons with disabilities and persons vulnerable to intersectional discrimination; and (v) the impact of the measures taken to reduce the number of undeclared workers and facilitate their integration into the formal economy.

Article 1 of the Convention. Employment trends and implementation of an active employment policy. Groups vulnerable to decent work deficit. The Committee welcomes the supplementary information provided by the Government in light of the above-mentioned conclusions adopted by the CAS. With respect to the measures taken to promote full and productive employment, including those adopted in the framework of the DWCP, the Government states that the Seasonal employment promotion programme provides opportunities for jobseekers including women, young people, and people with disabilities, to engage in temporary agricultural work. The Government also indicates that it adopted in June 2023 a decree No 968-L which expanded the scope of the State employment programmes to persons who participated in military operations in Azerbaijan in 2022, as well as to individuals who were demobilized after 2020. The Government further states that various employment programs, such as the Programme for ensuring the employment of the unemployed and the Employment promotion programme (a pilot programme launched in February 2023), provide financial benefits to employers who employ jobseekers. Moreover, in 2021, specific measures were adopted

to promote the employment of citizens of the Artsakh Republic who had been displaced to Armenia as a result of the war with Azerbaijan. Also, the Armenia Impact AIM Venture Accelerator programme has led to initiatives like the National platform for women's economic empowerment which supports women entrepreneurs and finance their trainings. The Government indicates that it is also in the process of developing a new pilot programme for the training and employment of women. In addition, several amendments to the Labour Code were adopted in May and July 2023 to facilitate the entry of young people and persons with disabilities into the labour market, including: the creation of an internship institute to help recent graduates gain work experience, the consecration of the right of workers with children up to 2 years old to work reduced hours and of the right for women who are breastfeeding to take additional breaks, the creation of a priority right to keep their job for former servicemen with disability pensions in case of staff reduction, and the regulation of voluntary work which contributes to young people gaining professional experience. The Government also states that Armenia is considering ratifying the Violence and Harassment Convention, 2019 (No. 190).

Regarding the steps taken to improve the employability of young persons through vocational education and training programmes, the Government indicates that Armenia's national career guidance programme in high schools is included in the Organisation for Economic Co-operation and Development (OECD) list alongside countries like Canada, Finland, Germany, United Kingdom of Great Britain and Northern Ireland, and the United States of America. The Government also indicates that the Vocational training programme adopted in 2021, benefited to 487 persons, of which 77 per cent were women, and 12 per cent were persons with disabilities. The Programme of arrangement of vocational training for mothers without a profession benefited to 106 persons, of which 32 per cent were young mothers. In addition, in the period 2021–22, the Work experience acquisition programme has supported 353 unemployed persons, of which 91 per cent were young people. The Committee nevertheless notes that the Government does not provide information on measures taken in the area of vocational education and training aimed specifically at promoting employment among young persons.

With regard to the development and adoption of the NES, the Government indicates that a draft is being discussed in consultation with the social partners. The main objective of the draft NES is the promotion of employment through the promotion of a competitive workforce. The government's strategy is to reduce the discrepancy between labour supply and demand by strengthening the correspondence between education programmes and the labour market. The NES will address topics such as labour rights, inclusion and equal opportunities for various specific groups of vulnerable workers, including persons with disabilities, women, migrants, displaced persons and national minorities. The Government further indicates that it contemplates the possibility of introducing an unemployment insurance system.

In respect of the impact of the measures and programmes implemented in Armenia, the Committee notes that, in 2021, 3,958 people were registered in State employment programmes (versus 5,675 persons in 2020), of which 65 per cent were women, 30 per cent were young people, and 8 per cent were persons with disabilities. The Committee also notes that, in 2022, only 1,800 persons were registered in these programmes, of which 33 per cent were women, 20 per cent were young people, and 11 per cent were persons with disabilities. The Government further provides detailed statistical data for the period 2020–22, according to which, in 2022, of the 70,544 jobseekers who were registered with the United social service (the former State Employment Agency), 14.7 per cent found employment. The Committee also notes the information provided by the Government regarding the impact of the programmes specifically aimed at promoting the employment of groups vulnerable to decent work deficits. The Government indicates that the measures adopted to promote the employment of citizens of the Artsakh Republic enabled 703 citizens of the Artsakh Republic to find employment while 93 citizens were temporarily employed for public works. The Government also indicates that the National platform for women's economic empowerment supported over 200 women entrepreneurs in launching their business and trained 1,400 women in the field of digital marketing, who then found stable employment. As for the Seasonal employment promotion programme, the Government reports that 1,178 persons benefited from it.

Turning to the statistical data on employment trends in the country, the Government reports that, for the first quarter of 2023, the unemployment rate is at 13.7 per cent, the employment rate at 50.9 per cent, and the underemployment rate at 2.3 per cent. The Government further reports that, as of July 2023, 44,678 jobseekers were registered in the regional centres of the United social service, of which 63 per cent were

women and 4.4 per cent were persons with disabilities. The Government also provides statistical data for the period 2018–21, which had in essence already been provided in its previous report.

The Committee requests the Government to continue to provide detailed updated information on the measures taken to promote full productive employment and to address, both in law and in practice, the existing barriers to employment for disadvantaged groups, including women, young persons, persons with disabilities and persons vulnerable to intersectional discrimination. With regard to the measures directed at young persons, the Committee also requests the Government to provide information on the measures taken to improve the employability of young persons through vocational education and training. The Committee further requests the Government to continue to provide detailed updated information on progress made in respect of the development and adoption of the National Employment Strategy (NES), and to provide a copy once it is adopted. Furthermore, the Committee requests the Government to continue to provide detailed updated information, including statistical data disaggregated by sex, age and region, on the impact of the measures and programmes implemented to promote the employment of groups vulnerable to decent work deficits, including women, young persons, persons with disabilities and persons vulnerable to intersectional discrimination. The Committee also requests the Government to indicate the proportion of persons who benefited from employment services prior to finding employment out of the total number of persons who accessed employment during the reporting period. With respect to financial benefits granted to employers, the Government is specifically requested to indicate the amount of this financial assistance; whether these monetary transfers to employers increase in case of employment of women, young people or people with disabilities; and whether the payments made involve an obligation of minimum duration of employment. In addition, the Committee requests the Government to continue to provide detailed updated information, including statistical data disaggregated by sex and age, on employment trends in the country, particularly on employment, unemployment and underemployment. The Committee also requests the Government to indicate the manner in which the regulation of voluntary work has contributed to young people gaining professional experience. In addition, noting with interest that the Government is considering the ratification of the Violence and Harassment Convention, 2019 (No. 190), the Committee requests the Government to provide updated information in this respect with its next report.

Article 2. Implementation of active labour market measures. In its previous comment, the Committee noted the Government's indication that no control mechanisms are established under the national legislation to monitor the activities of private employment agencies. The Government did not provide updated information in that regard. ***The Committee thus reiterates its request to the Government to provide information on the measures taken or envisaged to establish control mechanisms under the national legislation to monitor the activities of private employment agencies. The Committee refers in this respect to the guidance provided by the Private Employment Agencies Convention, 1997 (No. 181), and its accompanying Recommendation No. 188.***

Undeclared work. The Government indicates that, in 2021, there were 389,100 undeclared workers in Armenia, marking a 12 per cent decrease from 2018. The Government also indicates that it is working towards adopting a measure relieving unemployed persons of their credit burden, with the hope of facilitating their transition from the informal to the formal economy. Additionally, the Government plans to implement a digital system for recording labour contracts in Armenia, with the aim of improving the detection of undeclared workers. ***The Committee takes note of this information with interest and requests the Government to continue to provide updated information on the impact of the measures taken to reduce the number of undeclared workers by facilitating their integration into the formal economy.***

Article 3. Consultation of the social partners. ***Noting that the Government does not provide information in that regard, the Committee reiterates its request to the Government to provide concrete examples of the manner in which the social partners are included in the development, implementation and review of employment policies and programmes, and their views duly considered. The Committee also requests the Government to transmit its comments on the concerns expressed by the IOE regarding social concertation and on its observations that the Republican Union of Employers of Armenia (RUEA) has not been consulted in the framework of the elaboration of the draft NES.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Australia

Employment Policy Convention, 1964 (No. 122) (ratification: 1969)

Previous comment: observation

Previous comment: direct request

The Committee notes the observations of the International Organisation of Employers (IOE), received on 30 August 2024, as well as the response from the Government, received on 12 September 2024.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee recalls the discussion that took place in the Conference Committee on the Application of Standards (CAS), at its 112th Session in June 2024, regarding the application of the Convention. The Committee notes that, in its conclusions, the CAS requested the Government, in consultation with the employers' and workers' organizations, to continue to develop and implement employment policies in line with the Convention, including those aimed at increasing both the quality and quantity of jobs for women. The CAS also requested the Government to submit a report on the application of the Convention, including information on its ongoing efforts to support First Nations Peoples in the world of work, in accordance with the regular reporting cycle.

Articles 1 and 2 of the Convention. Adoption and implementation of an active employment policy. Employment trends. The Committee welcomes the detailed information provided by the Government in its report on the policies, programmes and measures implemented or envisaged on the federal and territory levels to promote full and freely chosen employment. The Committee notes that, since the last report on the Convention in 2021, significant reforms have been undertaken, including through the release in 2023 of the White Paper on Jobs and Opportunities, which sets out five key objectives: (i) delivering sustained and inclusive full employment; (ii) promoting job security and strong, sustainable wage growth; (iii) reigniting productivity growth; (iv) fulfilling skills needs and building the future work force; and (v) overcoming barriers to employment and broadening opportunity. The White Paper contains a road map for achieving these goals. The Committee also notes the launch of Workforce Australia in 2022, replacing Jobactive as Australia's national employment service, to offer permanent digital servicing for jobseekers and tailored support for disadvantaged jobseekers. Following a 2023 report on the performance of Workforce Australia, the Government has announced additional measures in the 2024–25 budget, including the Real Jobs, Real Wages and WorkFoundations programmes, which aim to provide wage subsidies to people who are at risk of long-term unemployment and support employers who employ jobseekers facing significant barriers to employment. The Government further indicates that, following recommendations from a Parliamentary Select Committee, the ParentsNext programme will be replaced in 2024 with a new voluntary pre-employment service offering personalized support to parents of children under 6 years.

In response to the concerns raised by the Australian Council of Trade Unions (ACTU) in its 2021 observations, the Government provides detailed information on a series of reforms addressing job security, fixed-term contracts and casual work. The Government indicates that the new Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 requires the Fair Work Commission (Australia's workplace tribunal) to consider job security when performing its functions. The Government also indicates that the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 limits the use of fixed-term contracts to two years or two consecutive contracts, whichever is shorter, unless exceptions apply. The Government further indicates that the new Closing Loopholes No. 2 Act 2024 introduces an interpretive principle requiring that the effective nature of a working relationship determines whether an individual is an "employee" or "employer" rather than the text of the

employment contract alone. The Government adds that the Closing Loopholes No. 2 Act 2024 introduces an objective definition of "casual employee" and establishes a pathway for conversion to permanent employment. The Government explains that employees who have worked for at least six months (or 12 months in small businesses) may request conversion to permanent employment, with employers required to respond within 21 days, either agreeing to the conversion or providing valid reasons for refusal, such as the employee continuing to meet the definition of a casual employee or fair and reasonable operational grounds. The Government provides statistical data on casual work, indicating that the share of casual employees, after significant losses during the COVID-19 pandemic, stood at 22.4 per cent in February 2024, nearly aligning with the pre-pandemic ten-year average of 24.5 per cent.

Moreover, the Committee notes the IOE's 2024 indication that Australian employers are of the view that Australia complies with the Convention and that it broadly supports the efforts of the Government to boost workforce participation. In this respect, the Committee also notes, however, the significant concerns expressed by the IOE about the impact of the recent reforms on casual employment, labour hire and independent contracting. According to the IOE, these reforms make it more challenging for employers to source the labour they need. The IOE also submits that flexibility is essential to boosting the workforce participation of many categories of workers, including women and young jobseekers. The Committee also notes the Government's indication, in its response, that it remains committed to ensuring that employment policy in Australia supports a dynamic and inclusive labour market in which people have the opportunity for secure, well-paid jobs and where workers, employers and communities can thrive and adapt. The Committee observes, in this respect, that, so far, the rate of casual work in the country seems to have remained nearly identical to the pre-COVID-19 ten-year average. According to ILOSTAT, the unemployment rate in Australia remained stable at 3.7 per cent in 2023 (3.8 per cent for men and 3.6 per cent for women), compared to 3.5 per cent in 2022. Based on information from the Australian Bureau of Statistics, the Committee further notes that underemployment has also remained stable, at 6.2 per cent in October 2024, compared to 6.1 per cent in October 2022. The Committee recalls, in this respect, that it has noted the difficulty of striking the right balance between accommodating the desire for increased flexibility expressed by certain enterprises and workers, while also ensuring that all workers have the ability to exercise fundamental principles and rights at work, as well as enjoy the labour and social protections to which they are entitled (2020 General Survey on promoting employment and decent work in a changing landscape, concluding remarks, paragraph 1067(o)). The Committee has also emphasized that well-designed and regulated non-standard forms of employment can help organizations to respond in a timely manner to changing demands, and temporarily replace absent workers, and facilitate the participation of workers in the labour market, by allowing those who wish to freely choose part-time work arrangements that allow them to better reconcile work, life and family responsibilities. However, workers in these kinds of arrangements tend to be more exposed to decent work deficits, including job insecurity, lower pay, gaps in access to social protection, higher occupational safety and health risks, and limited organizing and collective bargaining power (2022 General Survey on securing decent work for nursing personnel and domestic workers, key actors in the care economy, paragraph 440).

The Committee notes with ***interest*** the measures taken by the Government since 2022 which reflect an integrated approach pursuing the overarching objective of promoting full and decent employment stated by *Articles 1* and *2* of the Convention, by aiming at creating a more inclusive, secure and dynamic labour market. ***In view of the above, the Committee requests the Government to continue to provide detailed and updated information on the measures and policies aimed at achieving the objectives of the Convention as well as on their implementation and impact. In particular, considering that the pursuit of the objective of the Convention to achieve full, productive and freely chosen employment is not just about creating more jobs, but also about creating better and decent jobs, the Committee requests the Government to indicate whether, and to what extent, national policies and measures in the area of employment policy contribute to the reduction of insecure work,***

underemployment and unemployment and to boosting the workforce participation of certain categories of workers vulnerable to decent work deficits, including women and young and older persons. The Committee also requests the Government to indicate how the policies and measures described above address the issue of labour market flexibility referred to by the IOE in its observations.

Indigenous peoples. The Committee welcomes the detailed information provided by the Government on the measures taken or envisaged, on the federal and territory levels, to improve vocational education and training (VET) and employment for First Nations Australians. The Government indicates that a 2022 House Select Committee's review of Workforce Australia employment services found the system insufficient for First Nations jobseekers and made several recommendations, which are being examined in consultation with First Nations peoples. The Government indicates that measures have already been put in place to support First Nations people within Workforce Australia, including: (i) the issuance of Indigenous Specialist Licences to provide culturally appropriate support; (ii) the immediate eligibility of First Nations individuals for wage subsidies up to 10,000 Australian dollars (approximately US$6,458) without the requirement of being with the employment services for six months prior; (iii) additional funding for the training and mentoring of First Nations jobseekers; and (iv) the upcoming Real Jobs, Real Wages programme, which will offer a tapered wage subsidy to those at risk of long-term unemployment, with First Nations peoples representing 18.6 per cent of the very long-term unemployed as of May 2024. The Government further indicates that it is supporting First Nations employment through several regionally-based initiatives, including: (i) the Broome Employment Services, which will receive 3.7 million Australian dollars in funding from 2025–26 to continue providing tailored support to approximately 840 First Nations people; (ii) the Local Jobs Programme, which has funded over 90 projects to improve job readiness for First Nations participants; and (iii) the Yarrabah Employment Service, which began as a pilot project and is now a permanent service delivering ongoing employment support through Workforce Australia, focusing on a community-driven, place-based approach. The Government adds that it supports First Nations entrepreneurship through the Self-Employment Assistance programme, which provides business training, coaching, mentoring and financial support to First Nations people. The Government reports that, between 2022–24, the Self-Employment Assistance programme engaged 257 First Nations participants in business advice sessions, 29 in business health checks, 213 in self-employment workshops, 694 in small business training, and 468 in small business coaching. The Government further reports progress under the Indigenous Procurement Policy (IPP), which promotes Indigenous entrepreneurship by setting annual procurement targets. The Government indicates that over 1,400 indigenous businesses secured more than 12,000 contracts valued at over 1.4 billion Australian dollars in 2022–23, surpassing set targets. Additionally, the Government indicates that the Time to Work Employment Service (TWES) – the national, voluntary in-prison pre-employment service for First Nations people – will transition in 2025 to a new First Nations Prison to Employment programme, aimed at providing culturally safe, holistic pre- and post-release employment support, with an investment of 76.2 million Australian dollars announced in the 2024–25 budget. Lastly, the Government indicates that the First Nations Engagement in the Transition to Net Zero project, which commenced in 2024, aims to identify barriers and opportunities for First Nations peoples' participation in the decarbonization workforce, with findings due for submission to the Government in 2025.

Turning to the concerns raised by ACTU in its 2021 observations regarding the low quality of the Community Development Programmes' (CDP) jobs, the Government indicates that it has committed to replacing the CDP with the Remote Jobs and Economic Development Programme (RJED). The Government indicates that the RJED will be implemented in two stages, with the first stage beginning in 2024, aiming to create 3,000 meaningful jobs in remote communities with at least minimum wages and conditions. The second stage will introduce a new remote employment service. The Government specifies that, to ensure smooth transition, it has extended most CDP providers' agreements until 30 June 2025.

Regarding the targets set in the 2020 National Agreement on Closing the Gap, mentioned in the Committee's previous comment, the Government indicates that, according to a 2024 report, while the employment rate for Aboriginal and Torres Strait Islander youth has increased to 58 per cent, it is not on track to meet the 67 per cent target by 2031. In contrast, the employment rate for people aged 25–64 has improved to 55.7 per cent, showing good progress and remaining on track to meet the 62 per cent target by 2031. ***In view of the above, the Committee requests the Government to continue providing updated and detailed information, including statistical data, on the impact of the Government's efforts to increase sustainable employment opportunities for First Nations Australians.***

Women. The Committee notes with ***interest*** that the Government has introduced a range of national measures aimed at improving the quantity and quality of women's employment, with a focus on equal pay, support for women balancing family obligations, and the promotion of a safe workplace. Regarding equal pay, the Committee notes that the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 introduced several amendments to the Fair Work Act 2009, including: (i) requiring the Fair Work Commission to take gender equality and job security into account when performing its functions; (ii) removing the need to establish a reliable "male comparator" in equal remuneration claims and allowing for the consideration of historical gender-based undervaluation; (iii) establishing a new expert panel within the Fair Work Commission for gender pay equity; (iv) improving bargaining access for lower-paid, feminized sectors through the creation of a supported bargaining stream to negotiate better pay and working conditions; and (v) prohibiting pay secrecy clauses in employment contracts. The Government reports that these amendments have led to significant wage increases benefiting women, including through the decisions of the Fair Work Commission to: (i) increase the national minimum wage by 8.6 per cent in 2023, the largest increase on record, which is expected to benefit low-paid, predominantly women workers; and (ii) raise wages in the aged care sector by up to 28.5 per cent, following findings of gender-based undervaluation. Regarding support for women balancing family obligations, the Government indicates that the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 made the right to request flexible work arrangements and extensions of unpaid parental leave enforceable. The Government adds that the Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023 increased access to unpaid parental leave, providing that both parents can take up to 12 months of unpaid parental leave and allowing them to take up to 100 days flexibly, including as single days. Regarding the promotion of safe workplaces, the Government indicates that: (i) the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 introduced a duty for employers to eliminate workplace sex discrimination and harassment; and (ii) the Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022 introduced ten days of paid family and domestic violence leave annually. The Committee also notes that Australia ratified the Violence and Harassment Convention (No. 190), on 9 June 2023. The Government provides information on the measures taken at the territory level to improve the quantity and quality of jobs for women, including career support programmes, funding for women in male-dominated industries, and leadership initiatives. ***The Committee requests the Government to continue to provide information on policies aimed at improving both the quantity and quality of women's employment, as well as information, including statistical data, on their impact on women's employment in practice.***

Article 3. Consultations with the persons affected, in particular representatives of employers and workers. The Committee notes the detailed information provided by the Government regarding consultations held at the federal and territory levels with representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers. The Government highlights that it organized a Jobs and Skills Summit in 2022, which brought together representatives of employers, workers, civil society and the Government, leading to the White Paper on Jobs and Opportunities that lays out the Government's vision for employment in Australia. The Government also indicates that it consults social partners through regular sectoral and industry forums, such as the National Construction Industry Forum. The Government further specifies that stakeholders, including

social partners, were consulted in the recent design of the new voluntary pre-employment service for parents, the WorkFoundations programme, and the new First Nations Prison to Employment Programme. Moreover, the Government reports conducting a public consultation on the development of a new disability employment model, and engaging with stakeholders – including workers with disabilities, employers, service providers and academics – through submissions and meetings. The Government further indicates that, through the Youth Advisory Group, it is consulting young people aged 16–25 on youth employment policies and programmes. Finally, the Government indicates that a new First Nations Reference Group was established in 2024 to oversee and advise on the design and implementation of the new RJED. ***The Committee requests the Government to continue to provide information on the manner in which it associates the persons affected by the measures to be taken, in particular representatives of employers and workers, in designing, implementing and monitoring the employment policies at the federal and territory levels.***

The Committee is raising other matters in a request addressed directly to the Government.

Brazil

Employment Policy Convention, 1964 (No. 122) (ratification: 1969)

Previous comment

The Committee notes the Government's reports of 2021 and 2024 as well the observations of the Single Confederation of Workers (CUT), received on 2 September 2021 and the Government's response to these observations, received on 3 October 2021. ***The Committee also notes the observations of the National Confederation of Industry (CNI), received on 14 August 2024 and asks the Government to provide its response thereto.***

Developments in the area of employment policy. The Committee notes the recent introduction of several employment and industrial policies which aim at promoting economic growth and job creation with a particular focus on promoting gender equality, social inclusion and environmental sustainability including by improving labour conditions, social welfare and industrial competitiveness in Brazil. It also notes that these measures are aimed at reversing certain aspects of the 2017 labour reform, including restoring the integrity of collective bargaining and banning certain types of precarious contracts. In this regard, the Committee notes the *Acredita* programme, launched in 2024, which aims to expand access to credit for individual micro-entrepreneurs and small businesses, in addition to other initiatives to improve wage conditions and create quality jobs. The Committee also notes that the Government has focused on the resumption and expansion of public works to strengthen the job market, creating millions of new job opportunities. Finally, the Committee notes that the "Nova Indústria Brasil" policy was adopted in 2024, which aims to drive innovation and sustainability through strategic investments in areas such as healthcare, digitalization and energy transition. With over 300 billion Brazilian reais allocated for financing, the policy supports technological excellence and ecological transformation, emphasizing local content and public procurement to stimulate the productive sector. In addition, in 2023 and 2024, the minimum wage saw notable increases at rates higher than the inflation rate, with a view to improving the purchasing power of workers and addressing inflation. As of 1 January 2024, the new national minimum wage was set at 1,412 reais which represents a 6.97 per cent increase from the previous wage of 1,320 reais. ***The Committee requests the Government to provide details on these various policies and measures, indicating how they contribute to the objective of the Convention of achieving full, productive and freely chosen employment. The Committee also requests the Government to provide updated, detailed information, including statistical data disaggregated by sex and age on trends in urban and rural areas and in the different regions, on employment, unemployment and visible underemployment.***

Furthermore, the Committee notes that, in its 2021 observations, the CUT recalls its 2017 observations alleging that the labour reforms introduced by Law No. 13.467 of 13 July 2017, modified the Consolidated Labour Laws of 1943 and substantially altered Brazilian employment policy, eroding legal rights accorded to workers under national legislation and ratified international conventions. The CUT considers that the labour reform has had a negative impact on the creation of decent jobs and contravenes the objective of the Convention to promote full, productive and freely chosen employment. Specifically, the CUT refers to section 442-B of Law No. 13.467, which introduced the notion of the "autonomous exclusive" worker who may be hired to work exclusively and continuously for an employer, but is nevertheless not considered to be an "employee" performing services in the context of an employment relationship. The CUT reiterates its previous observations that section 442-B subverts the notions of employment, employee and employer, blurring the distinction between formal employees and independent contractors with no employment relationship. ***The Committee understands that Law No. 13.467 and section 442-B remain in force and requests the Government to provide detailed, updated information on the application and impact of Law No. 13.467 – including section 442-B – on employment.***

The Committee is raising other matters in a request addressed directly to the Government.

Cameroon

Employment Policy Convention, 1964 (No. 122) (ratification: 1970)

Previous comment

Follow-up to the conclusions of the Committee on the Application of Standards (111th Session of the International Labour Conference, June 2023)

The Committee recalls that the Committee on the Application of Standards, at its session in June 2023, regretted that the Government has taken no steps since 2017 to adopt and implement a comprehensive national employment policy, as required by the Convention. It also urged the Government, in full consultation with the social partners, to: (i) scale up efforts to ensure that the national employment policy is adopted, without further delay; (ii) guarantee participation of social partners and other stakeholders in the development and implementation of future iterations of the national employment policy; (iii) take measures to facilitate the transition of workers from the informal to the formal sector and provide adequate protection to all workers; (iv) promote access to employment for women and youth to reduce unemployment for these categories and to promote their long-term integration into the labour market; (v) ensure that education, training and skills policies are harmonized with employment policies and facilitate the free choice of employment; and (vi) ensure the regular collection of information and statistical data so as to allow the Government to monitor progress and evaluate policies' implementation. It also invited the Government to avail itself of the technical assistance provided by the ILO. ***The Committee requests the Government to provide detailed information on progress achieved concerning the six points raised by the Committee on the Application of Standards in its conclusions, as well as a copy of the national employment policy as soon as it has been adopted.***

The Committee notes the observations of the International Trade Union Confederation (ITUC), received on 1 September 2023, and those of the Cameroon Workers' Trade Union Confederation (CSTC) received on 11 September 2023. The ITUC highlights that in spite of the recently adopted laws and strategies, there are major gaps in the Government's implementation of the Convention. It also notes that the national employment policy has still not been adopted, even though it is a key requirement of the Convention. The CSTC underscores a lack of significant progress in the implementation of the June 2023 conclusions of the Committee on the Application of Standards. ***The Committee requests the Government to provide its comments in this regard.***

Article 1 of the Convention. Implementation of an active employment policy. The Committee notes the information provided by the Government in its report and notes with ***regret*** the persistent failure to adopt a national employment policy in conformity with the Convention, in order to pursue the goal of full, productive and freely chosen employment. The Government indicates that this policy is awaiting signature by the prime minister. It clarifies that the national employment policy provides for the creation of a National Employment Council, responsible for the harmonious and coherent implementation of the provisions of the national employment policy by all entities concerned. The draft text was formulated in a tripartite manner and sent for approval. The Committee notes that the national employment policy was elaborated on a tripartite basis and has informed the National Development Strategy, the new road map for the 2020–30 period. The chapter "Employment promotion and economic integration" follows the orientations of the national employment policy and is structured around several aims: employment promotion in public investment projects; improvement of productivity, employment and revenues in rural areas; promotion of the transition from the informal to the formal economy; encouragement to create and preserve jobs in major enterprises of the private formal sector; aligning training and employment, and improving the system of entry into the labour market; and labour market regulation.

The Committee notes that the ILO provides significant support to Cameroon in the field of employment and vocational training with the aim of improving employment opportunities and combatting informality. Through the Decent Work Country Programme 2023–2026, the ILO is collaborating with the Government to strengthen employment policies and social protection, focusing particularly on young entrepreneurs. It also notes the continued ILO support to sustaining Cameroon's efforts in employment promotion and economic integration, essential pillars of the National Development Strategy 2020–2030. The Committee observes the emphasis placed by the ILO on the importance of adapting the training offer to labour market needs, recognizing that Cameroon has skills at its disposal that are sought after internationally. ***The Committee trusts that the national employment policy will be adopted, promulgated and implemented as soon as possible in that it constitutes the principal requirement of the Convention. In this regard, it again urges the Government to take all the necessary measures in this regard, in consultation with the social partners and relevant stakeholders. The Committee requests the Government to provide a copy of the new employment policy, once adopted. The Committee requests the Government to provide fuller information on the envisaged establishment of the National Employment Council, indicating its composition, mandate and, if appropriate, on its activities since its establishment.***

Article 1(3). Coordination of education and training policy with employment policy. The Committee notes the information provided by the Government in respect of coordination of the education and training policy with the employment policy, some of which information was already provided to the Committee on the Application of Standards at its June 2023 session. Regarding vocational training, the Government indicates that it has undertaken a reform process in the sector of vocational training, with a view to addressing gaps observed between vocational training and employment. The objective of this process is to improve the training offer both in quantity and quality so as to align it with the needs of the productive sector and to promote employability. The Government recalls the formulation and promulgation of Act No. 2018/010 of 11 July 2018 on vocational training, and its implementing regulations, was among the reforms undertaken. This Act was drawn up with the participation of the social partners, professional bodies and civil society organizations at all stages, up to its promulgation. Moreover, a Sectoral Education and Training Strategy (SSEF) covering the 2023–30 period was elaborated under the coordination of the technical and financial partners and is currently under revision. One of the main elements of this revision is the design of a supporting strategy for skills development. Under the auspices of the World Bank and the African Development Bank, discussions are under way to establish a vocational training fund, with which the social partners and all sectoral actors will be closely associated. With regard to consultation of the social partners in the formulation and implementation of draft education policies and legislation, the sectoral administrations concerned

collaborate with the ministers and public administrations and with the employers' and workers' organizations. As examples, the Government mentions the Interministerial Employment Monitoring Committee and the Tripartite Working Group for the National Action Plan on Youth Employment. ***The Committee requests the Government to provide more information on the impact of the measures taken or envisaged to coordinate the education and training policy with the employment policy, in particular as regards the sustainable integration of the most vulnerable workers in the labour market. It also once again requests the Government to provide information on the impact of the implementation of the Act of 2018 on vocational training on the labour market integration of different categories of workers, in particular young workers.***

Informal economy. The Committee notes the information provided by the Government concerning the transition from the informal to the formal economy, which was already communicated to the Committee on the Application of Standards in June 2023. It also notes the observations of the ITUC which highlight the Government's efforts to facilitate the transition from the informal to the formal sector, because of the prevalence of the informal sector in the national economy. The ITUC refers to ILO statistics which show that the informal sector represents 50 per cent of gross domestic product and employs nearly 90 per cent of the active population. The ITUC encourages the Government to redouble its efforts to generate decent jobs and provide adequate protection to informal economy workers. The measures should adopt a comprehensive approach and be in consonance with the national employment policy. For its part, the CSTC underscores that the voluntary insurance put in place by the Government is not seen to be attractive by informal sector workers, who feel that it does not cover all branches of the social security. The CSTC also adds that the workers' organizations have joined efforts to raise the awareness of the informal sector workers, through campaigns in markets and aimed at other informal economy workers, while waiting for improvements in measures aimed at promoting membership of the voluntary insurance scheme. ***The Committee once again requests the Government to provide detailed, updated information on the content and impact of measures taken to facilitate the transition from the informal to the formal economy, as well as details concerning the manner in which these measures contribute to the creation of decent jobs and provide adequate protection to workers in the informal economy.*** In this regard, the Committee wishes to draw the Government's attention to the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), which sets out the ILO strategic vision in the area and promotes the formulation of integrated policies aimed at facilitating the transition from the informal to the formal economy, by focusing on improving working conditions, social protection and access to fundamental rights at work. The Recommendation encourages States to adopt integrated policies to formalize informal activity, by reducing administrative obstacles, promoting access to finance and reinforcing social protection measures. The Recommendation argues for promoting an enabling environment for enterprises, while guaranteeing job security and protection of vulnerable workers, with a view to guaranteeing inclusive and sustainable development.

Article 2. Collection and use of data on employment. The Committee notes the Government's indication that the National Observatory for Employment and Vocational Training (ONEFOP) and the National Employment Fund (FNE) are responsible for collecting employment data. The ONEFOP carries out a number of activities that foster the provision of employment data: it produces employment and training reports, statistical yearbooks on the labour market and employment conjuncture notes and conducts various specific studies. The FNE, as the main public employment service, also conducts large surveys, including on employment and the informal sector, in collaboration with the National Statistics Institute (INS). The Committee recalls that data collection is essential not only to evaluate the results of employment policies, but also to inform discussions concerning reiterations of employment policies and to measure progress achieved towards full, productive and freely chosen employment. ***The Committee therefore once again requests the Government to specify the active employment policy measures adopted as a result of the establishment of the various bodies responsible for collecting information***

on employment. It also requests the Government to indicate to what extent and the manner in which labour market information is used as a basis for the establishment of the new employment policy.

Article 3. Participation of the social partners in the development and implementation of employment policies. The Government indicates that the social partners were consulted during the formulation of the national employment policy. It also indicates that it took account of the Committee's previous comments, requesting that representatives of rural workers and informal economy workers should be included in the next stages. The Committee notes the observations of the ITUC, emphasizing the persistent deficit of social dialogue in the development and implementation of programmes and strategies related to employment. The ITUC recalls the importance of engaging in meaningful consultations with the social partners concerning the development and implementation of the national employment policy. ***In view of the above, the Committee requests the Government to provide more detailed information on the modalities of social dialogue and the participation of the social partners in the development and implementation of the national employment policy. It also requests the Government to take all necessary measures to promote both consultation with the workers' representatives, including rural and independent workers, as well as informal economy workers, in conformity with Article 3 of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

China

Employment Policy Convention, 1964 (No. 122) (ratification: 1997)

Previous comment

Article 1 of the Convention. Policy promoting full, productive and freely chosen employment. Employment situation in the Xinjiang Uyghur Autonomous Region (Xinjiang). The Committee notes the detailed information provided by the Government in its report, including the reply to the Committee's previous comment on the application of Convention. In this regard, the Committee observes that the Government refutes the existence of "forced labour" in the Xinjiang Uyghur Autonomous Region (Xinjiang) under the meaning of the *Forced Labour Convention, 1930 (No. 29)*, ratified by China on 12 August 2022. The Government also states that: (i) the people of all ethnic groups in Xinjiang have always been entitled to freely chosen employment without discrimination on the basis of ethnicity, region, gender, religious belief or economic status; (ii) the legitimate rights and interests of workers of all ethnic groups in Xinjiang have been fully protected; (iii) the vast majority of workers have the freedom to choose their jobs; (iv) their freedom has never been restricted; and (v) their rights concerning religious beliefs, ethnic culture and use of their own spoken and written languages have been fully guaranteed. In addition, the Government reports that under its guidance and based on national laws, regulations and policies, Xinjiang has introduced supportive policies and has formulated a series of autonomous regional regulations, based on local conditions to promote employment for key groups, such as workers facing employment difficulties, registered unemployed workers and rural workers. Furthermore, the Government states that Xinjiang has implemented a series of policy measures, including social insurance subsidies, vocational training subsidies and business guarantee loans, to provide a solid institutional guarantee for workers of all ethnic groups to enjoy their right to equal employment fully.

The Government further states that Xinjiang has created conditions for people of all ethnic groups to move freely and choose jobs in three main directions of employment: local and nearby employment, employment at another place within the autonomous region, and employment in other provinces, autonomous regions and municipalities. Workers have the free choice to find jobs mainly in three ways: (i) recommendation by relatives, friends and fellow villagers; (ii) recommendation by human resources service agencies and labour brokers in the market; and (iii) access to open and free employment services through public employment service agencies. The Government further refers to the sanctions imposed

to more than 1,000 Xinjiang enterprises in the cotton industry, which have a negative impact and have resulted in business hardship or even bankruptcy for many of these enterprises and, according to the Government, even in "forced unemployment" and "compulsory poverty". In this context, the Government refers to the visit of the United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, from 6 to 17 May 2024 (document A/HRC/57/55/Add.1), who pointed out that unilateral sanctions imposed by relevant countries against China have a negative impact on human rights. The Government further expresses the hope that the Committee will take note of the misunderstanding of terms such as "labour management", "relocated" and "labour transfer policy" in its comments. According to the Government, these terms do not contain any compulsory connotations that may be implied in the English translation, and they are expressions of market-oriented employment promotion policies with Chinese characteristics that ensure free choice and are specific practices in implementing active employment policy under the conditions of free choice of employment and jobs by workers in an open labour market environment.

The Committee also notes the observations made by the International Trade Union Confederation (ITUC), received on 18 September 2024, which relate to the application of Convention No. 29 and the *Abolition of Forced Labour Convention, 1957 (No. 105)* and which are also relevant to the application of the present Convention. The ITUC highlights that, since 2019, the Government has been using Vocational Skills Education and Training Centres and Poverty Alleviation through Labour Transfer policy measures as two systems of forced labour against Uyghurs and other ethnic groups in Xinjiang. The ITUC also indicates that, in February 2023, the Government indicated its intention to increase the proportion of "poverty-alleviated" labourers transferred from Xinjiang to other provinces and its goal was to transfer at least 1.087 million of this sub-group of surplus rural workers (a significant increase of 37.8 per cent in comparison to 2022 in cross-provincial labour transfers).

Taking note of the above and in view of the recent ratification of Conventions Nos 29 and 105, the Committee has decided to examine the above concerns essentially in the framework of the examination of the latter instruments. Under the present Convention, the Committee is examining these measures from the point of view of the obligation of countries to pursue a policy aimed at actively promoting full, productive and freely chosen employment. As regards the report of the United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights mentioned by the Government, the Committee notes the statement made in paragraph 33 of this report that "considering the size of the Chinese economy and labour market, it may be surmised that unilateral sanctions and other restrictions imposed on Chinese entities and economic sectors appear not to have a serious adverse impact on employment at the macro level". ***In view of the ITUC's observations, the Committee urges the Government to communicate its response thereto, indicating in detail how the measures referred to in these observations comply with the core objective of the Convention requiring Governments to formulate and implement a policy aimed at achieving freely chosen employment, including free choice of occupation. The Committee also urges the Government to provide up-to-date and detailed information about the Poverty Alleviation through Labour Transfer policy and its implementation, indicating the selection criteria, and the number of the "poverty-alleviated labourers" transferred from Xinjiang to other provinces. The Committee further urges the Government to communicate comprehensive labour market data, disaggregated by sex, ethnicity, age and economic sector, for the Xinjiang region, indicating the size and distribution of the labour force, the type and extent of employment, unemployment and underemployment, as well as full particulars, including statistics, regarding vocational education and training, an area which the Committee further examines below.***

Vocational education and training. Referring to its previous comments, the Committee notes the Government's indication that Xinjiang has improved the vocational training system to develop workers' vocational skills according to their preferences. In addition, the Government states that it has taken various measures to help ethnic minority areas, and remote and impoverished areas to develop

technical education, carry out vocational skills training based on the demands of the labour market, accelerate the cultivation of competent and skilled workers, and effectively promote full employment of residents, and economic and social transformation and upgrading. The Committee also notes that a skills-based poverty alleviation action has been launched based on a training model of "Skills + Guoyu (Standard Mandarin) + basic labour competence" to stimulate workers' interest in attending training programmes, improve their employability and skills, and promote employment. The Government further reports that Xinjiang plans to organize a vocational upskilling campaign during the 14th Five-Year Plan period (2021–2025) to comprehensively enhance the vocational skills of more than 7.5 million participants, their employability, and entrepreneurial ability.

While it takes due note of this information, the Committee notes with ***regret*** that the Government's report does not provide the previously requested information concerning: (i) whether immediate measures have been taken to ensure that the vocational training and education programmes that form part of the Government's poverty alleviation activities focused in Xinjiang are mainstreamed and delivered in publicly accessible institutions so that all segments of the population may benefit from these services on an equal basis, to enhance their access to full, productive and freely chosen employment and decent work; and (ii) the nature of the different vocational education and training courses offered, the types of courses in which ethnic and religious minorities have participated, and the numbers of participants in each course, as well as the impact of the education and training on their access to productive and freely chosen employment.

In this context, the Committee refers once again to its previous comment on *Article 1(2)(c)* which provides that "the national employment policy shall aim to ensure that there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his or her skills and endowments in, a job for which he or she is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin". In its 2020 General Survey on promoting employment and decent work in a changing landscape, paragraph 69, the Committee noted that "the objective of freely chosen employment consists of two elements. First, no person shall be compelled or forced to undertake work that has not been freely chosen or accepted or prevented from leaving work if he or she so wishes. Second, all persons should have the opportunity to acquire qualifications and to use their skills and endowments free from any discrimination." The Committee refers in this respect to its pending comments on the application of the *Discrimination (Employment and Occupation) Convention, 1958 (No. 111).* In addition, the Committee recalls that the prevention and prohibition of compulsory labour are conditions that are sine qua non of freedom of choice of employment (see 2020 General Survey, paragraph 70).

The Committee therefore once again urges the Government to provide detailed information with respect to the issues mentioned above, as well as copies of any supportive legal or policy documents, and the regulations adopted in the Xinjiang Uyghur Autonomous Region (Xinjiang) to promote both productive and freely chosen employment, including free choice of occupation, and effectively prevent all forms of forced or compulsory labour. In addition, the Committee urges the Government to provide more detailed and up-to-date information about the training model of "Skills + Guoyu (Standard Mandarin) + basic labour competence" and about specific programmes and vocational courses that have been adopted in order to implement the 14th Five-Year Plan period (2021–2025).

The Committee once again requests the Government to take immediate measures to ensure that the vocational training and education programmes that form part of its poverty alleviation activities focused in the Xinjiang Uyghur Autonomous Region (Xinjiang) are mainstreamed and delivered in publicly accessible institutions, so that all segments of the population may benefit from these services on an equal basis, with a view to enhancing their access to full, productive and freely chosen employment and decent work.

It also reiterates its request to the Government to provide detailed information on the nature of the different vocational education and training courses offered, the types of courses in which ethnic and religious minorities have participated, and the numbers of participants in each course, as well as the impact of the education and training on their access to freely chosen and sustainable employment.

Consultations on employment policy in Xinjiang. The Committee notes the Government's indication that Xinjiang continues to improve the tripartite consultation mechanism on a wide range of issues related to employment, labour standards and wage distribution. In this regard, the Government states that regular meetings have been held to discuss significant employment issues. In addition, the Government indicates that the Regulations of the Xinjiang Uygur Autonomous Region on Collective Bargaining have been strictly implemented, and nearly 40,000 collective bargaining sessions have been organized throughout the autonomous region, covering almost 3 million workers, with over 90 per cent of collective agreements signed among enterprises that normally operate with more than 100 workers. The Government further indicates that the Xinjiang Uygur Autonomous Region Federation of Trade Unions has, for a long time, been actively tracking the implementation of the Labour Law and the Labour Contract Law, comprehensively monitoring the conclusion of labour contracts and the protection of special rights and interests of female workers, helping and guiding workers to sign labour contracts with enterprises properly, and facilitating harmonious labour relations in line with the laws and regulations. The Committee notes that the Xinjiang Uygur Autonomous Region Federation of Trade Unions has established legal work centres to coordinate efforts to resolve workers' demands and protect their rights, and multiple points to monitor enterprise labour relations situations, throughout the autonomous region. In addition, the Committee notes the information that the Xinjiang Enterprise Confederation has focused on stabilizing employment and protecting enterprises. It also notes that the labour and personnel dispute arbitration courts at all levels in Xinjiang have provided easy access for dispute and claim filing and have conducted conciliation and arbitration regarding labour disputes in labour remuneration, rest and holidays, occupational safety and health protection, and social insurance benefits for workers. The Committee ***regrets*** however that no information has been provided related to the manner in which the representatives of the Uyghur and other Turkic/Muslim minorities groups have been consulted, as the representatives of the persons affected by the measures taken pursuant to *Article 3* of the Convention. ***Therefore, given the focus of the active labour market measures on the Uyghur and other ethnic and religious minorities, the Committee urges the Government to indicate the manner in which the representatives of these groups have been consulted, as required under Article 3 of the Convention. The Committee reiterates its request to the Government to provide updated information on the manner in which representatives of workers' and employers' organizations are consulted with respect to the design, development, implementation, monitoring and review of the active labour market policies being applied in the Xinjiang Uyghur Autonomous Region (Xinjiang).***

Articles 1 and 2. Formulation and implementation of an active policy aimed at promoting full, productive, and freely chosen employment. The Committee notes that the information provided by the Government related to the adoption of the following policy measures: (i) the Employment Promotion Plan in the 14th Five-Year Period (2021–2025), which aims to expand the scale of employment, strengthen the role of entrepreneurship in creating employment, improve the employment support system targeting key groups and provide skills training to workers; (ii) the Circular of the State Council on the Policy Measure Package to Stabilize the Economy (2022), which contains a wide range of measures and arrangements covering six areas, including monetary and financial policies, stabilization of supply chains, and policies concerning people's livelihood in the post-pandemic period; and (iii) the Circular of the General Office of the State Council on Optimizing and Adjusting Policies and Measures for Employment to Promote Development and Benefit People's Livelihoods (2023). With regard to these measures, the Government indicates that they, inter alia: (i) provide policy support for industries and enterprises that are capable of creating more jobs; (ii) encourage financial institutions to provide services and provide loans to businesses; (iii) use the multiplier effect of entrepreneurship in boosting

employment; (iv) support vocational training; and (v) extend the period of unemployment insurance refund coverage. Regarding the focus of the employment, economic and social development policies, the Committee notes the Government's indication that it attaches great importance to key groups such as young persons, women, migrant workers, persons with disabilities and rural workers. The Committee further notes that the Government indicates that it has implemented a coordinated regional development strategy based on the orderly transfer of capital-, technology- and labour-intensive industries from the eastern region to the central and the western regions and from large cities to the hinterland. It notes the information provided by the Government in response to its previous comment related to the coordination of the employment policy objectives of the Five-Year Plan (2016–2020) on promoting employment with other economic and social policies. In this regard, the Government indicates that in accordance with this Plan, it has made efforts to further improve the macro policy system to stabilize and expand employment, to better meet the demand for manpower and talent in economic and social development, and to expand the supply of employment and entrepreneurship services at multiple levels.

However, the Committee notes that the Government has once again not provided the information previously requested, including disaggregated statistical data, to enable the Committee to examine the effectiveness and impact of the active labour market measures implemented and the manner in which they contribute to the achievement of the employment objectives set out in the Convention. ***While acknowledging the active employment policies and other measures undertaken by the Government, the Committee reiterates its request to the Government to provide detailed updated information on their impact – including statistical data disaggregated by sex, age, economic sector and region – in terms of promoting full, productive, freely chosen and sustainable employment opportunities, as contemplated in Article 1 of the Convention. The Committee requests the Government to indicate whether there was a monitoring and review mechanism in place relating to the implementation of the Five-Year Plan (2016–2020) on promoting employment, in order to incorporate lessons learned into the Employment Promotion Plan in the 14th Five-Year Period (2021–2025). The Committee further requests the Government to provide information on the nature and impact of the specific measures undertaken in this regard in the framework of the Employment Promotion Plan in the 14th Five-Year Period (2021–2025).***

Employment in the rural economy. The Government indicates that, between 2012 and 2023, rural employment continued to decrease by 30.7 per cent, and its proportion in total employment declined from 51.1 per cent to 36.5 per cent due to rapid urbanization. As a result, occupations have shifted from agriculture, forestry, animal husbandry and fisheries to urban manufacturing and service industries (the number of people employed in the primary industry decreased by 30.8 per cent). According to the National Bureau of Statistics, in 2023, 63.5 per cent of employed persons were in urban areas, while only 36.5 per cent were employed in rural areas. In this context, the Government refers to the implementation of a series of policy measures to promote the development of modern agriculture and the county-level economy, create more employment opportunities for the rural workforce in local projects, and support sustained income growth for farmers. The Government also provides information about measures taken to improve the employment situation of rural migrant workers through various channels, a labour cooperation mechanism, regional labour cooperation alliances, and work-relief projects to support rural migrant workers to return to their hometowns and start their businesses in rural areas. The Government reports that, in 2023, the total number of rural migrant workers was 297.53 million, up by 1.91 million or 0.6 per cent over 2022. In addition, the Government indicates that these workers' average monthly income was 4,780 yuan renminbi (approximately US$670), an increase of 3.6 per cent over the previous year. The Committee observes, however, that the Government does not provide statistical information on the impact of the measures taken, disaggregated by sex, age and region.

In view of the above, the Committee encourages the Government to continue its efforts to reduce regional disparities in terms of access to employment and employment-related services and to provide information on the nature and the impact of the measures taken in this regard. Noting that informal employment is generally more prevalent in rural areas in view of the disparities in economic development and access to formal job opportunities, the Committee also requests the Government to indicate the specific measures aimed at promoting formalization of the rural economy and decent work opportunities in this sector. The Committee further requests the Government to provide information, including updated statistical information disaggregated by sex, age and region, on the nature and impact of measures taken to promote employment and job creation in rural areas.

Article 1(2)(c). Vocational education and training. The Committee observes that the Plan for Boosting Employment during the 14th Five-Year Plan Period envisages the adoption of measures to organize on-demand training and targeted training. In this regard, the Government points out the adoption of the following measures: (i) the enhancement of the cooperation between colleges and enterprises; (ii) the revision of the national occupational standards; (iii) the development of new apprenticeship training for enterprises; and (iv) the development of training programmes with a focus on new sectors, new technologies and new business formats. The Committee also notes the information provided by the Government regarding the different policy measures implemented by local governments in the area of education and training, which include the Opinions on Enhancing the Cultivation of Highly Skilled Talents in the New Era as well as the Plan on Vocational Skills Training and the Plan on Technical Education during the 14th Five-Year Plan Period. Local governments have also taken measures to improve the lifelong vocational skills training system as well as the organization and implementation of vocational skills training. The Government reports that in recent years subsidized vocational skills training has been provided to over 18 million people annually. Lastly, the Committee notes the information provided by the Government regarding the collaboration with the All-China Federation of Trade Unions (ACFTU) and the China Enterprise Confederation (CEC) in the development and implementation of education and training measures. In this regard, the CEC, in collaboration with relevant institutions, has organized for relevant enterprises to formulate vocational skills standards by sector, and released six groups of standards, including the General Vocational and Technical Skills Requirements for Corporate Compliance officers.

The Committee requests the Government to continue to provide detailed information on the nature and impact of the education and training measures implemented on employment opportunities, as well as on the consultations held with the social partners in the development of education and training programmes that meet the needs of the labour market. In this regard, the Committee requests the Government to supply information on measures taken or envisaged which aim at: (i) expanding the curriculum to build students' skill sets; (ii) establish strong links between vocational schools and industries so as to ensure a good match between training and job market needs; and (iii) ensure a smooth transition between vocational and academic education.

Article 2. Informal economy. The Committee notes, from the Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights, in the context of the Working Group on the Universal Periodic Review concerning China, held in January–February 2024, the concern expressed by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) about the considerable proportion of workers in the informal economy who are de facto not adequately covered by labour and social protection laws; and its recommendation that China adopt a holistic approach in addressing the informal economy, to take all measures necessary to reduce the extent of the informal economy and to increase employment opportunities in the formal labour market (A/HRC/WG.6/45/CHN/2, paragraph 28). ***In the light of these concerns regarding the high proportion of workers in the informal economy and observing that transitions from informal to formal employment are generally challenging due to the diverse nature of the informal economy, which calls for comprehensive policy measures, the Committee requests the Government to provide information on***

the measures taken or envisaged to facilitate transitions towards the formal economy and productive employment.

Article 3. Consultation with the social partners. The Committee notes that the Government reiterates that it actively consults with trade unions and employers' organizations and fully considers the interests and concerns of relevant parties in formulating and implementing employment policies. In this respect, the Government refers once again to the establishment of a cross-departmental deliberation and coordination mechanism for employment promotion and labour protection work under the State Council, with the participation of multiple departments, trade unions and enterprises' organizations. The Government adds that regular meetings have been held to discuss major employment issues, review policies and regulations and supervise their implementation. Local governments at county level and above have also established corresponding systems. With regard to the consultation held with the representatives of the persons affected by the measures to be taken, the Government indicates once again that it solicits opinions from the public through the internet and other media and holds press conferences and interviews. Lastly, the Committee notes the information on the employment-related activities carried out by the social partners, such as employment service activities organized by the ACFTU aiming to help migrant workers, workers in new forms of employment, and family members of disadvantaged workers to find work, and a national exchange meeting by the CEC in 2023 on labour relations, work and activities related to creating harmonious labour relations. The Committee observes, however, that the Government does not provide specific updated information on the nature, content and outcome of the consultations held during the reporting period. ***The Committee therefore reiterates its request that the Government provide specific updated information on the nature, content and outcome of consultations with the social partners and representatives of persons affected by the measures in the development, implementation, monitoring and review of active employment labour market measures***.

Comoros

Employment Policy Convention, 1964 (No. 122) (ratification: 1978)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes the observations made by the Workers Confederation of Comoros (CTC), received on 1 August 2017. ***It requests the Government to provide its comments on the matter.***

Article 1 of the Convention. Implementation of an active employment policy. Youth employment. In its previous comments, the Committee requested the Government to indicate in its next report whether the Act issuing the national employment policy had been adopted and to indicate whether specific difficulties had been encountered in achieving the objectives set out in the national Poverty Reduction and Growth Strategy Paper (PRGSP). The Committee notes with ***interest*** that the national employment policy act (PNE) was adopted through the promulgation on 3 July 2014 of Decree No. 14-11/PR enacting Framework Act No. 14-020/AU of 21 May 2014 issuing the national employment policy. The Government indicates that this Act aims to provide a common and coherent vision of the strategic approaches for taking national action on employment, by increasing opportunities for low-income population groups to access decent work and a stable and sustainable income. The Government adds that in November 2014, with ILO support, it developed and adopted the Emergency Plan for Youth Employment (PUREJ), which is part of the process to implement the PNE. The PUREJ involves the adoption of programmes to promote youth employment which result from priority measures identified in the strategic framework of the PNE and integrated in the Strategy for Accelerated Growth and Sustainable Development (SCA2D). The Government adds that the overall objective of the PUREJ is to ensure strong employment growth in the short and medium term. In this context, the PUREJ focuses mainly on the promotion of youth employment in job-creating sectors for a period of two

years, in order to contribute to the diversification of the economy, the production of goods and services and the building of social peace. The Government points out that the objective was to create 5,000 new decent and productive jobs for young persons and women by the end of 2016, through the development of skills in line with the needs of priority sectors of the Comorian economy and support for the promotion of employment and vocational integration. The Committee notes that in May 2015 the Government signed, together with the constituents and the ILO, the second generation Decent Work Country Programme (DWCP), of which the main priority is to ensure the promotion and governance of employment. The Committee notes the observations of the CTC which indicate that the implementation of the PNE is not effective. It points out that the vocational training component, which is being conducted through a project with the European Union, is the only one being applied. In this regard, the provisions and mechanisms of the PNE have not been implemented and the text has not been disseminated to the public. The CTC also reports the dismissal of over 5,000 young persons without compensation. ***The Committee once again requests the Government to indicate whether specific difficulties have been encountered in achieving the objectives set out in the PRGSP. It requests the Government to provide more detailed information on the measures taken with a view to achieving the employment priorities established in the framework of the DWCP 2015–19, and on the impact of measures and programmes such as the PUREJ, which are aimed at increasing access to decent work for young persons. In this regard, the Committee requests the Government to indicate the number of young persons who have benefited from these programmes.***

Article 2. Collection and use of employment data. ***The Committee once again requests the Government to provide detailed information on the progress made with the collection of data on the labour market, and on the manner in which this data is taken into consideration during the formulation and implementation of the employment policy. It reminds the Government that it may avail itself of ILO technical assistance if it so wishes.***

Article 3. Participation of the social partners. ***The Committee once again requests the Government to include full information on the consultations envisaged in Article 3 of the Convention, which requires the participation of all of the persons affected, and particularly employers' and workers' representatives, in the formulation and implementation of employment policies. The Committee hopes that the Government will make every effort to take the necessary measures without delay.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Djibouti

Employment Policy Convention, 1964 (No. 122) (ratification: 1978)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes the observations of the International Organisation of Employers (IOE), received on 25 August 2022. It also notes the observations of the International Trade Union Confederation (ITUC), received on1 September 2022. The Committee notes that both observations raise issues in relation to the application of the Convention.

Article 1 of the Convention. Adoption and implementation of an active employment policy. ILO technical assistance. In response to previous comments, the Government indicates in its report that, although the strategy for the formulation of a national employment policy was commenced in April 2003, and new structures have been established, the preparation of a national employment policy paper has still not been completed. The Committee notes that the National Employment Forum held in 2010 showed the need to develop a new employment policy adapted to labour market needs, which will have to target as a priority the reform of the vocational training system and the improvement of employment support services. The Government indicates that, out of a population of 818,159 inhabitants of working age, recent estimates place the unemployment rate at 48.4 per cent. It also indicates that, following a mission for the evaluation of technical cooperation undertaken by the ILO in March 2011, the Government reiterated its commitment to

developing a Djibouti Decent Work Programme. It adds that it is still awaiting Office support for this purpose. ***The Committee requests the Government to provide information on the measures taken to ensure that employment, as a key element of poverty reduction, is central to macroeconomic and social policies, and on the progress made in the adoption of a national policy for the achievement of full employment within the meaning of the Convention.***

Youth employment. The Government indicates that in 2012, despite a certain improvement, unemployment particularly affected young persons with higher education degrees. Moreover, although the country does not currently have a formal strategy to promote youth employment, several initiatives have been established to improve the operation of the labour market, promote entrepreneurship and provide training adapted to labour market needs. ***The Committee invites the Government to provide information on the manner in which the measures adopted have resulted in productive and lasting employment opportunities for young persons, and on the collaboration of the social partners in their implementation.***

Article 2. Collection and use of employment data. In March 2014, the Government provided the summary of the employment situation prepared by the National Employment and Skills Observatory. The number of jobs is increasing (30,118 jobs created in 2007, 35,393 in 2008 and 37,837 in 2010). ***The Committee invites the Government to indicate the measures taken to improve the labour market information system and to consolidate the mechanisms linking this system with decision-making in the field of employment policy. It also requests the Government to provide updated statistical data disaggregated by age and sex, as well as any other relevant data relating to the size and distribution of the workforce, the nature and scope of unemployment and underemployment and the respective trends.***

Article 3. Collaboration of the social partners. ***The Committee recalls the importance of the consultations required by the Convention and once again requests the Government to provide information on the measures adopted or envisaged for the consultation of the representatives of the persons affected on employment policies.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Georgia

Private Employment Agencies Convention, 1997 (No. 181) (ratification: 2002)

Previous comment

Legislative developments. The Committee previously noted the observations of the Georgian Trade Unions Confederation (GTUC) indicating that there were no licensing requirements for private employment agencies. The GTUC also indicated that it was common practice for agencies to charge fees to jobseekers amounting to one or two monthly wages. The Committee requested the Government to provide information on the measures taken to ensure that all private employment agencies operate within the conditions set out in *Article 3* of the Convention and to indicate how their activities are supervised. It also requested information on the measures taken to monitor and sanction unauthorized fee-charging by private employment agencies. The Committee welcomes the information provided by the Government indicating that, in order to improve mechanisms established by labour migration legislation, amendments were made to the Law on Labour Migration. The Committee notes with ***interest*** that the legislative amendments, effective from September 2023, provide for, inter alia, the mandatory certification of labour intermediary companies, the improvement of data collection and reporting on labour migration, and the establishment of a state monitoring system over the activities of labour intermediaries. Additionally, section 11(2) of the Law on Labour Migration expressly prohibits the charging of fees.

The Committee is raising other matters in a request addressed directly to the Government.

Israel

Private Employment Agencies Convention, 1997 (No. 181) (ratification: 2012)

Previous comment

Article 7 of the Convention. Fees and costs charged to migrant workers by private employment agencies. The Committee observed previously that exceptions to the prohibition of charging fees to workers were provided by the national legislation, and requested the Government to submit information on the practical application of these legislative provisions. The Government indicates that it examined the amount of allowable brokerage fees that private employment agencies could collect from foreign workers in the live-in care industry for the costs associated with their recruitment and placement with the employer and for the ongoing services provided to them after their arrival and throughout their employment in Israel. Following this examination, the Employment Service (Payment from an Employment Applicant in Connection with Employment Brokerage) Regulations, 5766-2006, were amended in 2022. According to the amendment, private employment agencies that are licensed for the recruitment of foreign caregivers can receive a fee from caregivers recruited abroad. The regulations were approved as an interim order for three years, until October 2025, in order to allow for the arrangement to be reviewed with the relevant government ministries that must report to the Israeli Parliament at the end of each year regarding the implementation thereof. The Committee notes that, in accordance with the Employment Service Regulations, 5782-2022, upon first entry into Israel, an amount equal to 3,419.45 Israeli shekels can be collected from a foreign worker in the home-based caregiving sector by a private employment agency, 900.13 shekels can be collected after a total of 26 months from the day of entry into Israel, and 900.13 shekels after a total of 36 months from the date of entry into Israel, for a total of 5,219.71 shekels (approximately US$1,400), an amount to which the applicable 17 per cent taxes are also added. In this respect, the Committee noted in its last comments that the maximum contractual payment that could previously be collected directly or indirectly from a worker by a private employment agency was 3,688.57 shekels. The Committee recalls the general principle of the Convention, which calls for private employment agencies not to charge directly or indirectly, in whole or in part, any fees or costs to workers. The Committee recalls that the Convention allows the competent authority to charge certain fees to workers only if they are "in the interest of the workers concerned" and "after consulting the most representative organizations of employers and workers". ***Accordingly, the Committee requests the Government to provide detailed information on how the fees imposed on foreign workers in the home-based caregiving sector serve the workers' interests and to specify the types of services provided in exchange. Additionally, given the significant increase in the total fees that may be collected from this category of foreign workers (roughly 40 per cent of the amount noted by the Committee in its last comments), the Committee asks the Government to explain the reasons for such an increase and to clarify what these fees represent as a proportion of the average earnings of foreign caregivers working in Israel. The Committee also requests the Government to provide details on the consultations held with the most representative organizations of employers and workers regarding fees charged by private employment agencies to foreign caregivers. Lastly, the Committee requests the Government to provide updated information on the annual review of the interim arrangement by the relevant ministries and Parliament.***

Article 8. Migrant workers. In its previous comments, the Committee requested the Government to continue to provide information on the impact of the measures taken to provide adequate protection for and prevent abuses of migrant workers recruited or placed in Israel by private employment agencies. The Committee notes that the United Nations Committee on Economic, Social and Cultural Rights (CESCR), in its 2019 concluding observations on the fourth periodic report of Israel, while noting that in Israel 58 per cent of migrant workers, most of them women, are employed as caregivers on a live-in basis, expressed concern over the fact that these workers are excluded from the applicability of the Hours of Work and Rest Law of 1951 and that their working conditions are not effectively monitored

by the labour authorities. While noting that Israel has concluded bilateral agreements with some of the countries of origin of migrant workers to protect their rights, the CESCR expressed concern that workers from countries that do not have a bilateral agreement with Israel may be at risk of exploitation and abuse (E/C.12/ISR/CO/4, paragraph 28). The Committee also notes that the United Nations Committee on the Elimination of Racial Discrimination (CERD), in its 2020 concluding observations on the combined seventeenth to nineteenth reports of Israel, noted that people belonging to minority groups, including migrants, may face obstacles in accessing justice while seeking remedies for cases of discrimination (CERD/C/ISR/CO/17-19, paragraph 19). The Government indicates that it continues to require and sign bilateral agreements with countries of origin of foreign workers permitted to enter Israel for temporary work in the various sectors in which employment of foreign workers has traditionally been permitted, such as the agriculture, construction and live-in caregiving sectors, as well as new sectors, such as the hotel and long-term care facilities sectors. The Government adds that bilateral agreements and their implementation protocols set out detailed recruitment processes to ensure that workers receive clear information concerning their rights and obligations in Israel, including the permitted recruitment fees, contact information of a call centre for complaints and queries, and a standard employment contract in three languages (Hebrew, English and the worker's language). In terms of the practical application of the provisions regarding fees, the Government indicates that, when the permitted fees are collected in the framework of a bilateral agreement, both the sending country representatives and Israel's representatives supervise the transfer of the permitted fees to ensure that the amounts transferred from abroad do not exceed what is permitted. The Government further indicates that additional enforcement measures exist for foreign workers. In 2022, the Regularization and Enforcement Administration at the Ministry of Labour took the following actions: 415 investigation files were opened against employers of foreign workers for violating labour rights; 399 administrative notices were given before fines in order to allow employers to correct the violations; 18 proactive inspections were carried out in foreign construction companies. Moreover, financial sanctions in the amount of 7,130,758 shekels were issued against employers of foreign workers, and two criminal indictments were filed against employers of foreign workers. In the first half of 2023, the Population and Immigration Authority carried out 26 administrative procedures concerning complaints received or allegations of abuses by private employment agencies licensed to recruit foreign workers in the live-in caregiving sector.

The Committee wishes to recall that, according to *Article 8* of the Convention, Members are required to adopt all necessary and appropriate measures, both within their jurisdictions and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in their territories by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses. The Committee observes that, while foreign workers covered by bilateral labour agreements do seem to benefit from certain protections, it appears that those originating from countries where such agreements do not exist are excluded from the application of the Hours of Work and Rest Law of 1951. ***The Committee therefore requests the Government to indicate how it ensures that the workers who are not covered by a bilateral labour agreement signed by Israel and their country of origin are provided with adequate protection and covered by measures aimed at preventing abuses, and to indicate the applicable normative texts. It also asks the Government to continue to provide updated information on the sanctions, including fines, imposed on private employment agencies which engage in fraudulent practices and abuses of migrant workers. The Committee also requests the Government to provide detailed information on the existing bilateral labour agreements, and those that are in negotiation, as well as the type of protections against abuses contained therein.***

The Committee also refers to its comments made in 2020 under the Migration for Employment Convention (Revised), 1949 (No. 97).

The Committee is raising other matters in a request addressed directly to the Government.

Lebanon

Employment Service Convention, 1948 (No. 88) (ratification: 1977)

Articles 1, 3, 4 and 5 of the Convention. Establishment of a functional free public employment service. The Government indicates that owing to the significant decrease in the value of the funds allocated to the National Employment Agency (NEA), the conditions of current employment offices in Beirut, Tripoli or Saida, have not improved, nor has there been any attempt to inaugurate additional employment offices in other areas. The Government, however, points to new measures aimed at improving job and employment opportunities via digital governance of services and at raising the quality of training approved by the Council of Ministers in Decision No. 23 of 12 May 2022 and included within the Ministry of Labour's tripartite plan (2022–25). The Government also states that it seeks to cooperate with the relevant international organizations to support employment and training services and welcomes any project for cooperation with private employment agencies. While it takes into account the difficult situation prevailing in the country, the Committee wishes to recall in this respect that, by ratifying the Convention, countries commit to establishing a functional public employment service (PES), the essential duty of which is to ensure the best possible organization of the employment market in cooperation with other public and private bodies concerned. This responsibility includes formulating, implementing and duly financing an integrated employment policy of which an effective and free public employment service represents an essential part. ***In view of its long-standing comments regarding the implementation of the Convention in national law and practice, the Committee requests the Government to provide information on the measures adopted or envisaged, particularly in the framework of the Ministry of Labour's tripartite plan (2022–25) and through its employment policy, to contribute to and reinforce the public employment service as an essential part of the institutional architecture aimed at securing the broader policy objective of promoting full, productive and freely chosen employment. The Committee further requests the Government to carry out an in-depth assessment as to whether the PES comprises a sufficient number of regional and local offices, specialized by occupations and by industry, to serve each geographical area of the country, both rural and urban, and that they are duly financed, conveniently located, accessible for employers and workers and composed of qualified staff.***

Articles 4 and 5. Cooperation with the social partners. For a significant number of years, the Committee has been pointing out the importance of the cooperation of the social partners in the organization, operation and development of the NEA, and in the development of an employment service policy. This participation was established by Legislative Decree No. 80 of 27 June 1977, which created the NEA. However, in 1994 the Government reported that the NEA had been repealed and that its responsibilities had been transferred to the Ministry of Labour. The Committee observes nonetheless that, in its subsequent reports, the Government has continued to refer to the need to amend Decree No. 80, including in its latest report, stating that it needs to amend this decree to reduce the number of members on the Executive Board of the NEA in order to increase its flexibility and effectiveness. ***In view of the foregoing, the Committee asks the Government to indicate: (i) the legal provisions guaranteeing the participation in equal numbers of employers' and workers' representatives in the management of the public employment service; (ii) the legal provisions guaranteeing consultation with these representatives in the development of the general employment service policy; and (iii) whether suitable arrangements have been made through advisory committees for the cooperation of these representatives in the organization and operation of the employment service and the development of the employment service policy, as required by Article 4 of the Convention. The Committee also asks the Government to provide a copy of the legal provisions in question.***

The Committee is raising other matters in a request addressed directly to the Government.

Libya

Employment Policy Convention, 1964 (No. 122) (ratification: 1971)

Previous comment

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 107th Session, May–June 2018)

The Committee recalls the discussion that took place in the Conference Committee on the Application of Standards (CAS) in 2018. Acknowledging how the armed conflict affected poverty, development, decent work and enterprise sustainability; and recognizing employment's role in peace and resilience, the CAS asked the Government to provide updated details on employment strategies as well as labour market data (disaggregated by sex and age), progress made on labour data analysis, and measures supporting small and medium-sized enterprises and the participation of workers in vulnerable situations. The CAS urged the Government to seek ILO assistance for active employment policies and collaborate with the ILO and social partners to strengthen Libya's labour system toward achieving full, productive and freely chosen employment. The Committee takes note of the information provided by the Government and wishes to draw its attention to the following issues.

Articles 1 to 3 of the Convention. Implementation of an active employment policy. Consultations with the social partners. The Committee notes with ***interest*** the Government's indication that the 2021 Libyan National Strategy for Human Development and Empowerment (LNSHDE) includes the following aspects: training for graduates whose qualifications do not meet labour market requirements; encouraging self-employment through the creation of small and medium-sized enterprises; establishing a comprehensive database for human resources and job opportunities; addressing the problems of seasonal and disguised unemployment and considering the operationalization of the social security law; ensuring the adoption of professional guidance and mentoring to newcomers to the labour market and increasing the scope of private sector participation in vocational and technical training; reviewing employment policies, activities and procedures and developing legislation; and changing the course of women's employment through empowerment and capacity-building.

In addition, the Committee notes that the ILO has launched a series of EU-funded regional youth employment programmes targeting young people in Libya who are not in education, employment or training (NEETs). These programmes provide vocational training, entrepreneurship support and job placement services to equip youth with skills and opportunities to enter the workforce, aiming to reduce youth unemployment and promote economic stability in the region. Moreover, to better address labour market challenges, the ILO conducts in-depth labour market studies in Libya. These studies explore critical issues, such as migrant worker contributions, the impact of the COVID-19 pandemic on employment, and broader economic conditions. Insights from these studies guide policy and programme development to effectively address labour market needs. The Committee also notes that the Libya Human Development Report 2022–23 emphasizes certain key employment priorities to be pursued in the near future, that: ensure economic recovery through private-sector job creation, address skills gaps with targeted training, improve access to basic services and social protection, and foster youth employment. Political stability is also noted as crucial for sustainable growth. Together, these elements underscore the need for comprehensive strategies to enhance employment opportunities and support economic stability in Libya. Furthermore, the ILO is also implementing a project aimed at expanding social insurance for agricultural workers in the Arab region, including in Libya, as these workers are often excluded from statutory regimes. The project addresses the high levels of informality and the unique risks faced by agricultural workers, and includes policy dialogues, research and the development of policy briefs to identify best practices and propose reforms. The Committee also observes that, according to data from the World Bank, the labour market in Libya is characterized by high unemployment, with an official rate of 19.6 per cent and that more than 85 per cent of those who

work are employed in the public and informal sectors. The Committee also notes the Libya Economic Monitor of the World Bank of Spring 2023, which highlights that the labour market in Libya shares the characteristics of oil-rich countries in terms of dominance of public employment and those of fragile contexts that face the challenge of unemployment, high informality and an underdeveloped private sector that is unable to absorb a fast-growing young population. ***The Committee takes due note of the above information, including of the objectives of the National Strategy for Human Development and Empowerment as well as of important challenges that the Government continues to face, and hopes that the Government will continue to work closely with the ILO with a view to developing, adopting and implementing integrated national policies designed to promote full, productive and freely chosen employment, in consultation with the social partners. It reiterates its requests to the Government to provide detailed updated information on the timeframe and concrete measures taken and the progress made in this regard, particularly concerning the Libyan National Strategy for Human Development and Empowerment (LNSHDE).*** The Committee also wishes to draw the Government's attention to the *Employment and Decent Work for Peace and Resilience Recommendation (No. 205)* which offers critical guidance for the country's recovery from conflict and existing instability as it: (i) underscores the power of employment and decent work in fostering peace and reducing crisis risks (the Recommendation stresses that by generating job opportunities, countries can stabilize communities, alleviate poverty, and reduce the likelihood of renewed conflict); (ii) provides actionable guidance on strengthening resilience in the labour market through recovery-focused programmes, such as vocational training, job creation and social protection schemes (these measures are crucial for rebuilding Libya's economy and supporting sustainable workforce development); (iii) emphasizes the need for recovery efforts that account for vulnerable groups, including women, youth and displaced individuals (addressing these groups' needs is key to achieving social cohesion and sustainable development); (iv) has at its core the aim of strengthening labour market institutions and encouraging social dialogue (this translates to building institutional capacity and fostering collaboration among the Government, employers and workers, creating a foundation for a stable and inclusive labour market); and (v) advocates for global partnerships to support countries recovering from crises (in Libya's context, engagement with international organizations and leveraging global expertise are crucial for implementing effective employment strategies and labour policies that can drive long-term stability and growth).

Migrant workers. The Government states that illegal migrant workers are seeking to regularize their status through registration due to fears of repatriation to their home countries and their desire to immigrate to Europe, using the country as a transit point. The Government indicates that it has made considerable and positive progress in collaboration with neighbouring countries, countries of origin and international organizations in reducing illegal migration. It has urged migrants to obtain legal status in the country to enjoy rights guaranteed by law for voluntary employment or voluntary return to their home countries.

The Committee notes that the United Nations Human Rights Council's Independent Fact-Finding Mission on Libya has reported the enslavement of migrants. Migrants are sometimes forced to work outside detention facilities for individuals or companies, while others, including unaccompanied children, are forced to work on farms, in factories, or in other menial labour situations, often without adequate food or water (document A/HRC/50/63, 27 June 2022, paragraphs 77 and 94). The Committee also notes that the Independent Fact-Finding Mission on Libya found reasonable grounds to believe that guards demanded and received payment for the release of migrants, and that trafficking, enslavement, forced labour, imprisonment, extortion, and smuggling generated significant revenue for individuals, groups, and state institutions (document A/HRC/52/83, 3 March 2023, paragraph 44). The Committee once again emphasizes that forced or compulsory labour, where it exists, is incompatible with the principle of freely chosen employment set out in *Article 1(3)* of the Convention. ***It therefore reiterates its request to the Government to provide further detailed information on the specific steps taken to address reported cases of abuse of migrant workers and their families, including those who are***

detained by the Directorate for Combating Illegal Migration. It further reiterates its request to the Government to provide information on the progress made in drafting the new labour law aimed at increasing protection of the rights of migrant workers and their families, and the development and adoption of any strategy to tackle irregular migration, and to provide a copy once they are adopted. Lastly, the Committee reiterates its request to the Government to provide updated detailed information on measures taken or envisaged to promote the employment of migrant workers.

The Committee is raising other matters in a request addressed directly to the Government.

Niger

Employment Policy Convention, 1964 (No. 122) (ratification: 2018)

Previous comment

Articles 1 and 2 of the Convention. Formulation and implementation of an active policy designed to promote full, productive and freely chosen employment. In its previous comment, the Committee noted that the National Employment Policy (PNE 2008–12) had been adopted in 2009 and that, following broad consultation with all the parties concerned and in collaboration with the ILO, a preliminary version of a new National Employment Policy (PNE 2020–25) had been discussed at a validation workshop in July 2021. However, the Committee notes that, in its report provided in September 2023, the Government indicates that a new PNE is still in the process of being adopted and adds that the Office will be kept informed of any developments in this regard. The Committee also notes that, during the period covered by the report, the Government prepared a Resilience Programme to Safeguard the Country (PRSP) for the period 2024–26, under the leadership of the Ministry of the Economy and Finance. According to the information available online, the PRSP 2024–26 is due to enter into force in 2024 and has the objective of the robust and equitable development of Niger on the basis of four focus areas: (i) the reinforcement of security and social cohesion; (ii) the promotion of good governance; (iii) the development of the bases for economic sovereignty; and (iv) the acceleration of social reforms.

The Committee notes that Niger is facing several significant challenges. The economy of Niger is not very diversified or competitive, which limits formal employment opportunities. A large proportion of the active population is in practice employed in the informal economy (ILO statistics), which gives rise to challenges in terms of social protection, conditions of work and job stability. The country is therefore faced by the urgent need to create decent and productive jobs for men and women, and particularly for young persons. The rapid demographic growth is complicating the labour market integration of young persons (ILO, *L'état des lieux du système de formation professionnelle*, Niger, 2019). Gender inequalities persist and affect the access of women to employment opportunities and equitable terms and conditions of work, with the result that offering employment opportunities to everyone, including women and persons with disabilities, is still a major challenge (CEDAW/C/NER/CO/5, paragraph 41 and CRPD/C/NER/CO/1, paragraph 7). The country is also facing a period of instability, as well as environmental and economic challenges, including climate shocks and the price volatility of basic products (World Bank, Niger, *Overview*, 2024).

In the light of this information, the Committee hopes that the Government will make every effort to finalize the adoption of the employment policy without further delay. Indeed, the Committee considers that the adoption of a robust employment policy that pursues the objectives of full, productive and freely chosen employment as established by the Convention is an essential step for the inclusive and sustainable economic development of Niger, which will make it possible to address the current challenges and create a more prosperous future. Employment policy is a major asset for the reduction of unemployment and poverty through the creation of decent and productive jobs, particularly for young persons and women. Based on the establishment of emblematic objectives and measures for the fuller integration of informal workers into the formal economy, the new employment policy could

improve social protection, working conditions and job stability, while at the same time increasing tax receipts. Moreover, the adoption of an inclusive employment policy could make an effective contribution to reducing gender inequality by ensuring the equitable access of women to employment opportunities and fair conditions of work. Furthermore, by encouraging economic diversification, the employment policy could be designed to create new employment opportunities in different sectors, thereby reducing dependence on a few industries and increasing economic resilience. Lastly, the adoption and implementation of an employment policy in conformity with the requirements of the Convention would encourage constructive social dialogue between employers, workers and the Government, as well as with the representatives of all the population categories affected by the policy, thereby improving conditions of work and promoting social justice.

The Committee is raising other matters in a request addressed directly to the Government.

Panama

Employment Policy Convention, 1964 (No. 122) (ratification: 1970)

Previous comment

The Committee notes the observations of the National Council of Organized Workers (CONATO), received on 6 September 2022, and the Government's reply, received on 6 December 2022. The Committee also notes the Government's reply to the 2018 observations of CONATO, which are incorporated in its report.

Articles 1, 2 and 3 of the Convention. Implementation of an active employment policy. Participation of the social partners. The Committee notes the detailed information provided by the Government on the measures taken to achieve the objectives of the Convention. In this regard, the Government reports the adoption on 30 December 2019 of the "Strategic Governance Plan (PEG) 2020–24", which contains various components relating to a competitive economy for creating employment and reducing poverty and inequality. With regard to employment, the PEG sets out the following main activities: (i) strengthening fast-track technical training programmes for integration in the labour market, to enable young persons with limited resources to find and maintain decent employment; (ii) coordinating employment policies with policies relating to vocational training and education; (iii) creating opportunities for entrepreneurs, facilitating business incubators; (iv) facilitating the integration of own-account workers into the social security system; (v) enhancing the quality of training and education programmes for workers; and (vi) establishing an analysis unit to align the education and training system to the requirements of the labour market. The Committee also notes the various measures taken to align education with labour market demands, notably through the *Prepárate Panama* programme, developed in response to the recommendations of the High Commission for Public Employment Policy in 2014. In this regard, the Government provides information on the measures taken with ILO technical assistance, the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR), and the Latin American Development Bank (CAF), with a view to establishing a national qualifications framework (MNC), which establishes levels of education and certification for workers (examined in the direct request). The Committee also notes the Government's indication that, in order to address the situation of informality in the country, the national register of own-account workers was set up as an identification platform to cater for and direct independent workers in the formalization of their ventures in order to provide them with social security protection.

The Committee also notes the information provided by the Government regarding the tripartite consultations held on employment during the period covered by the report (*Article 3* of the Convention), including with regard to the measures taken to tackle the impact of the COVID-19 pandemic on employment. In this regard, the Government reports the adoption of Decision No. 150 of 27 April 2020 establishing the tripartite dialogue committee for the economy and labour development in Panama,

within which numerous agreements have been concluded with the aim of maintaining employment, enterprises and economic recovery.

Lastly, the Committee notes the vast amount of statistical information provided by the Government on labour market trends up to 2022. The Committee observes from ILOSTAT data that in 2023 labour force participation stood at 61.9 per cent, the employment rate was 57.7 per cent, and the unemployment rate was 6.7 per cent. The Committee also notes the high rate of informality (56.1 per cent). According to the 2022 multi-purpose survey, 48 per cent of persons in non-agricultural employment had informal jobs, representing an 8.9 per cent increase over 2021. The Government also indicates that, as of May 2022, of 99,090 contracts registered, only 20,295 were of unlimited duration.

The Committee notes that in its concluding observations of 31 March 2023, the United Nations Committee on Economic, Social and Cultural Rights (CESCR), while noting the gradual reduction in unemployment over the last ten years, regretted that insufficient measures had been taken to address job losses triggered by the COVID-19 pandemic, as seen in the significant rise in unemployment and the increase of informal employment to above 40 per cent (E/C.12/PAN/CO/3, paragraph 24). The Committee also notes that CONATO emphasizes in its observations that, as a result of the pandemic, three out of four Panamanians lost their jobs and informality increased significantly. CONATO asserts that even though employment should be the cornerstone of the economic recovery after the pandemic, the Government's reply has focused on financial assistance or subsidies with transfers and as a result almost half a million people depend on this income, doubling the number of unemployed persons. In its reply the Government indicates that even though the pandemic had a negative impact on employment in the country, it has been possible, through programmes and projects implemented to improve employability and protect jobs, to increase employability and reduce unemployment.

With regard to the employment measures taken by the Government, CONATO criticizes: (i) the lack of a definite employment strategy in conjunction with the social partners, which hampers efforts to promote new strategic sectors or reinforce existing ones without this leading to a reduction of rights and the liberalization of termination of employment – which aggravates the high rate of informality and the low quality of employment – as is the case in the free zones; (ii) the lack of coordination between programmes implemented to promote employment opportunities, vocational training and entrepreneurship and their lack of connection with economic and social policy, as well as the reduced budget allocation for them; (iii) the lack of development plans with continuity that go beyond the Government's term of office; on the contrary, there are numerous five-year institutional strategic plans with a short-term vision; and (iv) the doubtful effectiveness of various employment programmes which have been implemented, such as the Labour market integration support programme (PAIL) and the programmes for learning on the job (*Aprender Haciendo*, *Empleo Solidario 2022*) and for skills-building for jobs (*Capacítate para el Trabajo*). Lastly, the Committee notes that CONATO in its observations denounces: (i) the inadequacy of measures to tackle the high rate of informality; (ii) the large number of temporary employment contracts; (iii) the high concentration of the economy in specific sectors and regions (65 per cent in the provinces of Panamá, Panama Oeste and Colón), which results in public policies with greater coverage and quality in urban areas, creating inequalities in terms of regions, ethnicity and gender; this highlights the need for measures to promote the development of the rest of the country in order to ensure a more inclusive and sustainable economy; and (iv) the fact that the level of investment has not had a proportionate impact on job creation.

In this context, the Committee notes with ***interest*** the signature on 8 April 2024 of the Memorandum of understanding for the Decent Work Country Programme (DWCP) 2024-27 by the Government, the social partners, including representatives of the National Council for Private Enterprise (CONEP), CONATO, the National Confederation of United Independent Unions (CONUSI), and the ILO. The DWCP, which is the result of a participatory process, includes the following strategic areas: (i) the promotion of coherent, comprehensive, inclusive and equitable public policies for job creation which provide social and economic guarantees, under fair conditions and catering for categories of the

population in situations of vulnerability, with the focus on young persons and gender mainstreaming; (ii) extending, in a comprehensive and sustainable manner, the coverage and adequacy of social and labour protection for women workers and their dependants; and (iii) strengthening social dialogue with a view to effective observance of any tripartite and bipartite agreements concluded between workers and employers. The DWCP has a tripartite follow-up mechanism the responsibilities of which include ensuring the implementation of the programme and providing policy guidance with a view to ensuring the success of the proposed outcomes and adopting relevant adjustments. ***In light of the foregoing, the Committee requests the Government to continue sending information on the nature and impact of measures adopted to implement an integrated policy aimed at promoting the creation of opportunities for full, productive and freely chosen employment, including those implemented in the context of the Decent Work Country Programme (DWCP) 2024–27.***

In this regard, the Committee also requests the Government to provide information on: (i) how it is ensured that employment policy is coordinated with the country's economic and social policy; (ii) the consultations held with the representatives of the social partners, and the representatives of the persons affected by these measures with regard to the formulation, implementation, monitoring and review of active labour market measures adopted in the context of employment policy, in accordance with Article 3 of the Convention; and (iii) statistics, disaggregated by sex, age and province, on labour market trends, particularly regarding the active population rate and employment, unemployment and underemployment rates.

Furthermore, in view of the high rate of informality, the Committee requests the Government to provide information on the scale of the informal economy and on the steps taken, in coordination with the national employment policy, to facilitate the transition to the formal economy. In this regard, the Committee draws the Government's attention to the guidance provided by the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

Participation of women in the labour market. The Committee notes the Government's indication that on 4 October 2021 official approval was given to the Public policy on the employability and labour market integration of young women and women in situations of socio-economic vulnerability in Panama (PEIM) 2030 and its plan of action for 2021–24, the revision of which is planned with a view to formulating, on the basis of the results achieved, the new plan of action for 2025–30. The PEIM establishes a series of cross-cutting strategic objectives such as: (i) improving the employability of women, particularly those most affected by situations of vulnerability with respect to employment; (ii) ensuring their access to available education, especially in the area of vocational technical education, linked to the sectors offering the most opportunities at present (logistics, agro-industry, tourism and commerce) and in the future (energy, environment, science and innovation, technology and culture); (iii) guiding and promoting their access to these sectors; and (iv) encouraging formalization processes among women workers and enterprises in sectors where high concentrations of women are employed. The PEIM includes targeted objectives for young women, rural women, women domestic workers, indigenous women, Afro-Panamanian women and women with disabilities. The Committee also notes the Government's indication that the PEIM is linked to other strategies aimed at strengthening women's economic empowerment and improving their economic and employment opportunities, namely: (i) the National strategy for the integration of girls and young women in STEM disciplines and jobs; (ii) the National entrepreneurship strategy for women; (iii) the Plan for the economic empowerment of indigenous women; and (iv) the National strategy for the provision of care.

The Committee also notes that CONATO highlights the lack of inclusiveness of the workings of the economy with respect to women. In this regard, the Committee notes with ***concern*** the significant gap between the labour force participation rate and the employment-to-population ratio for men and women. According to available ILOSTAT data, in 2023 the labour force participation rate was 74.3 per cent for men and 50.4 per cent for women. As for the employment rate, this was 70.4 per cent for men and only 46.1 per cent for women, while the unemployment rate was 5.3 per cent for men and 8.6 per

cent for women. The Committee also notes that CESCR, in its concluding observations of 31 March 2023, noted with concern the persistence of vertical and horizontal gender-based employment segregation, the low labour participation rate of women and their high concentration in the informal economy, especially in unpaid or domestic work (E/C.12/PAN/CO/3, paragraph 22). The Committee further notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) also expressed its concern in this regard in its concluding observations of 1 March 2022 (CEDAW/C/PAN/CO/8, paragraph 35).

In this context, the Committee notes with ***interest*** the adoption in May 2024 of the Public policy on equal opportunities for women (PPIOM) 2024–34, which provides for the adoption of numerous measures to promote women's participation in the labour market and their employability, including: (i) employment policies and programmes, aimed at increasing the participation of women; (ii) an employability and labour market integration policy for young women and other women in situations of socio-economic vulnerability; (iii) vocational, technical and short-cycle training programmes, to enable immediate linkage for women belonging to population groups in situations of vulnerability (young women, older women, Afro-Panamanian women and women with disabilities); (iv) microcredit programmes and projects to support women entrepreneurs and artisans, and also women's associations and cooperatives; and (v) measures to promote equal opportunities for women in access to technical and vocational education and higher education with gender mainstreaming, in urban, rural and district areas, emphasizing non-traditional technical and university careers. ***While welcoming the measures taken to promote the participation of women in the labour market, the Committee encourages the Government to continue its efforts to combat persistent gender-based vertical and horizontal segregation in employment, the low labour market participation rate of women, and their high concentration in the informal economy. The Committee requests the Government to provide information on: (i) the nature and impact of measures taken in this regard, including those adopted in the context of the Public policy on the employability and labour market integration of young women and women in situations of socio-economic vulnerability in Panama (PEIM) 2030 and the Public policy on equal opportunities for women (PPIOM) 2024–34; and (ii) the consultations held with the social partners in this regard.***

Youth employment. The Committee notes the information provided by the Government on various projects implemented to promote youth employment, including: (i) National Youth Coordinating Committee (CNJ) projects for building life skills (*Habilidades para la Vida*) and for supporting young persons (*Juventud somos la Fuerza*), providing guidance to 300 and 90 young persons, respectively, on various related topics such as communication, leadership and entrepreneurship; (ii) the *Padrino Empresario* programme, which offers internships with bursaries of 180 to 270 balboas per month (about US$180 to 270) in the private sector to young persons between 15 and 17 years of age in situations of vulnerability; (iii) the *Aprender Haciendo* project, which facilitates access to a first work experience for young people between 17 and 24 years of age, in collaboration with various government and business organizations; (iv) the *Orienta Panamá* programme, which provided vocational guidance to 9,085 pre-middle and middle school students; and (v) the signing of a memorandum of understanding between the Ministry of Labour and Employment Development (Ministry of Labour) and the Panama Shipowners Association (ARPA) regarding the provision of training to young people in the maritime sphere aimed at creating new employment opportunities.

While noting the implementation of various projects and programmes to promote youth employment, the Committee notes that CONATO in its observations criticizes the high youth unemployment rate and affirms the need for a tripartite consensus on youth employment policy. CONATO emphasizes that youth employment programmes are often used to fill vacancies through internships, which are necessarily for a limited period of time. The Committee notes, on the basis of ILOSTAT data, that in 2023, although the unemployment rate among the general public was 6.7 per cent, among young people it was as much as 16.7 per cent (13.5 per cent for men and 22 per cent for

women), and the rate of young persons neither working nor in education or training was 15.1 per cent (9.2 per cent for men and 21.4 per cent for women). ***In view of the high rate of youth unemployment, especially among young women, the Committee requests the Government to provide detailed information on: (i) the nature and impact of actions taken to incorporate measures into employment policy, aimed at promoting labour market access and self-employment for young persons, including statistics, disaggregated by age and sex, on youth employment, unemployment and underemployment; (ii) the manner in which coordination is ensured among the various projects and programmes implemented to promote youth employment; and (iii) the consultations held with the social partners on these measures.***

The Committee is raising other matters in a request addressed directly to the Government.

Republic of Korea

Employment Policy Convention, 1964 (No. 122) (ratification: 1992)

Previous comment

The Committee notes the observation of the Korea Enterprises Federation (KEF) submitted with the Government's report on 1 September 2023 and the Government's responses thereto, received in October 2023. The Committee also notes the Government's response to the observations of the Korean Confederation of Trade Unions (KCTU), received on 20 September 2019. The Committee further notes the observations made by the Federation of Korean Trade Unions (FKTU) dated 8 September 2023. In this regard, the Committee notes that the FKTU reports that they sent their observations to the Government before 1 September 2023, but the latter has not submitted them together with its report for the period August 2020 to June 2023. The Committee observes that the FKTU has provided comments mostly related to working hours and components included in the minimum wage. The Committee also notes the Government's response, received in October 2023, to the FKTU's observations.

Articles 1 and 2 of the Convention. Employment policy and employment measures. Overall labour market trends. The Committee acknowledges the comprehensive data provided by the Government regarding employment and social policy, particularly the introduction of the Fifth Basic Plan for Employment Policy (Fifth BPEP) on 30 January 2023. This plan addresses significant labour market challenges, such as industrial and demographic shifts and job mismatches. The Government emphasizes its support for innovative growth and job creation in emerging industries, expansion of social service jobs, and labour market legislative reforms. The Fifth BPEP aims to establish an early detection system for employment crises and a proactive response system to job uncertainty and employment slowdowns. Additionally, the Government is working to resolve labour supply and demand mismatches through labour market measures, such as skill-level-based training and manpower supply, special management of job vacancies by industry and region, and enhanced employment services that match recruitment with job searches.

The Committee also notes the Government's commitment to facilitating the entry of vulnerable groups into the labour market, particularly young people, women and older persons. The Government intends to establish an employment safety net that promotes labour market participation by supporting the working poor, strengthening activation into employment, and enhancing a dense employment safety net. Active labour market policies are classified into six categories: direct jobs, vocational training, employment services, employment subsidies, support for start-ups and supported rehabilitation. In this respect, the Committee notes the information provided by the Government related to the share of public expenditure of the Republic of Korea for active labour market policy measures which represent 0.70 per cent of its gross domestic product while the Organisation for Economic Co-operation and Development (OECD) average is 0.97 per cent. In this context, the Committee notes that the KEF in its observation states that the shift from a reactive and defensive labour market policy to a more proactive and pre-

emptive one is desirable. However, as the allocation of budget to active labour market policies such as vocational training and employment services is still below the OECD average, more active budget allocation for active labour market policies is needed. The Government further states that it conducts annual evaluations of job programmes to enhance their efficiency, with 207 programmes evaluated by June 2022. The Committee notes the Government's efforts to increase private sector jobs and boost the participation of vulnerable groups in the labour market, with specific employment rate targets for 2027. The overall employment rate for persons aged 15 to 64 increased from 61.3 per cent in December 2022 to 62.2 per cent in March 2023, while the overall unemployment rate slightly increased from 2.3 per cent in November 2022 to 2.9 per cent in March 2023. The Committee also notes the Government's indication that the employment rate increase in March 2023 was primarily due to the employment of seniors and women, while employment of young persons and those in their 40s decreased.

The Committee requests the Government to provide with its next report detailed and updated information regarding the nature, scope and impact of active labour market measures implemented and any measures aimed at enhancing budget allocation and effectiveness of active labour market policies, including through increased credits allocated to vocational training and employment services, to promote full, productive, and freely chosen employment in the country. The Committee also requests the Government to continue to provide comprehensive updated information on overall labour market trends, including statistical data disaggregated by sex and age, relating to employment, unemployment and underemployment.

Measures addressing dualism in the labour market. The Government refers to the implementation of a set of measures aiming to reduce labour market dualism in the public and private sectors, and highlights that in the reporting period the public sector has taken the lead in promoting the policy of converting non-regular workers engaged in performing permanent and continuous work to regular employees. In this context, the Government indicates that as of December 2021, the conversion process for 197,866 non-regular workers reached 97.4 per cent of the target number of 203,199 (116.2 per cent). Regarding the employment types, the Government indicates that 74,903 fixed-term workers (100.3 per cent) and 123,773 temporary agency and contract workers (95.7 per cent) completed conversion. In addition, the Government indicates that among the 197,866 workers who completed the conversion process, 144,347 workers (73 per cent) were directly employed, 51,752 workers (26.2 per cent) were employed by subsidiaries, and 1,767 workers (0.9 per cent) were employed by a third sector (social enterprises, cooperatives and so forth). The Committee further notes the Government's initiatives to mitigate labour market dualism in the private sector. These measures include: revising guidelines for fixed-term and in-house subcontracted workers to enhance employer compliance and working conditions; raising awareness and supporting companies in voluntarily improving employment structures through expert-led support groups; offering consultation services to address discrimination factors and improve conditions for non-regular workers; encouraging proactive employment structure improvements via labour inspections; providing financial and tax incentives for companies converting non-regular workers to regular employees; and implementing subsequent measures like increased labour inspections and strengthening the discrimination correction system. These efforts are supported by a significant budget increase and aim to create a more equitable labour market. As regards the number of recipients of financial support, the Committee observes a decrease from 4,323 in 2020 (4,065 in 2021) to 3,686 in 2022. Regarding the financial resources for tax credits, the Government indicates a slight increase in the amount from 28.3 billion South Korean won in 2019 and in 2020, to 28.9 billion won in 2021. In addition, the Committee notes the observation, expressed in OECD Economic Surveys: Korea 2024, and related to the increase in the amount of Government spending on small and medium-sized enterprise subsidies. In this regard, the report states that a total of 1,646 programmes were in place in 2023 to support small and medium-sized enterprises, 530 run by 18 ministries and central government agencies and 1,116 by the 17 regions. In addition, small and medium-sized enterprises also enjoy special treatment in public procurement, lower taxes and other benefits.

In view of the above, the Committee reiterates its request to the Government to pursue its efforts to reduce labour market dualism in both the public and private sectors with a view to creating full, productive, and lasting employment opportunities for both regular and non-regular workers, and to provide information about progress made in this respect. Furthermore, noting that the report did not provide information regarding the conversion process for 2022 and 2023, or information about the Government's financial support for measures in the private sector for these years, the Committee asks the Government to supply this information, together with updated information concerning the next reporting period, with its next report.

Moreover, in its reply to its previous comments related to the status of the amendments to the Act on the Protection of Dispatched Workers, the Committee notes that the Government does not provide the information requested. Instead, the Government refers in its report to the Future Labour Market Research Committee (FLMRC), established by the Ministry of Employment and Labour (MOEL) and composed of employment and labour experts. The scope of competence of the FLMRC includes identification of challenges in the labour market and possible solutions for labour reform. The FLMRC recommended the improvement of the Act on the Protection of Temporary Agency Workers (December 2022). ***The Committee therefore reiterates once again its request to the Government to provide detailed up-to-date information on the status of the amendments to the Act on Protection of Dispatched Persons.***

Job creation policy. The Committee notes the employment and insurance policy and measures taken during the COVID-19 pandemic described in detail in the ILO document *Employment Insurance System of the Republic of Korea to cope with the COVID-19 crisis*. The Committee notes the financial support provided through various funds. By 2021, the employment retention fund loan supported over 10,000 workplaces and 55,000 individuals with a total of 104,359 billion won, and by June 2022, the employment stability agreement subsidy assisted 658 workplaces with 31.616 billion won. Additionally, the Government doubled the loan limits for vocational training living expenses and reduced the self-payment rate. The tripartite agreement signed on 8 July 2020 aimed to enhance employment retention, expand social safety nets, and improve quarantine and medical infrastructure. A special committee within the Economic, Social and Labour Council was established to oversee the implementation of this agreement, which included increasing the employment retention subsidy by 90 per cent.

Observations by the KCTU and the FKTU on the components of the minimum wage and working hours. The Committee notes the observations made by the KCTU in 2019 and the FKTU in 2023 regarding the components of the minimum wage and long working hours. These trade unions raised concerns about the amendment to the Minimum Wage Act in January 2019, which included bonuses and cash benefits paid at least once a month in the minimum wage calculation. They argue that this expansion allows employers to manipulate the calculation to avoid violating the minimum wage requirements. Additionally, the trade unions have expressed that, contrary to the Government's interpretation, real wages are declining in the actual labour market. The Committee also notes that the trade unions filed a complaint on this issue before the Constitutional Court. In response, the Government refers to the Constitutional Court's decision on 17 December 2021, which upheld the reform of the components, stating that it did not violate the principles of due process, clarity and the ban on total authorization. Regarding long working hours, the trade unions are concerned that the original purpose of the 52-hour working week limit introduced in July 2018 has been undermined by "corporate-biased follow-up measures" in order to avoid paying additional allowances for extended working hours. The Government, however, emphasizes that exceptions to overtime limits are recognized only in five transportation and health industries, which are deemed necessary to maintain for public interest reasons. ***In view of the above, considering that employment policy provides the framework within which working time and minimum wages are regulated and interact to shape the labour market, the Committee requests the Government to indicate how the above measures have impacted the core objective of the Convention to promote full, productive and freely chosen employment.***

Employment of older workers. The Committee acknowledges the Government's detailed measures to promote productive employment opportunities for older workers. These measures include extending the retirement age, abolishing the retirement age, rehiring and providing subsidies to small and medium-sized enterprises for the continuous employment of senior citizens. The Government also established a research committee within the Economic, Social and Labour Council, which operated from September 2021 to February 2022, to address the aging society with labour, management and experts. This committee disseminated best practices and conducted awareness-raising campaigns for greater age diversity in the workplace. In terms of re-employment and job support, the Government offers employment services such as lifetime career planning for small and medium-sized enterprises, job changes, and re-employment support in cooperation with job centres for the middle-aged and with local governments. Since May 2020, re-employment support services are mandatory for employees who are obliged to leave enterprises with more than 1,000 employees. The Government also created tailored polytechnic courses for those in their 50s and 60s, providing high-skilled technical and functional job training with full support for related expenses. Financial support is available for small and medium-sized enterprises that employ people aged 60 and older, with up to 7.2 million won per worker for a maximum of two years if they continue to employ workers who have reached their retirement age. Additionally, the Government promotes employment by providing stepping-stone jobs for experienced professionals in their 50s and 60s to provide social services to local communities, and supports labour costs for small and medium-sized enterprises experiencing labour shortages. The Committee notes an overall increase in the number of employed persons in all age groups from 2018 to 2022, reflecting the effectiveness of these measures. The *OECD Economic Surveys: Korea 2024* also highlights the need for the Republic of Korea to prepare for and adapt to the challenges of an aging population. ***The Committee requests the Government to continue to provide detailed information on the measures taken to promote productive employment opportunities for older workers and their outcomes. In particular, the Committee asks the Government to provide further details on measures aimed at developing ageing-responsive public employment services, implementing active labour market policies targeting older workers, and promoting lifelong learning and training. Additionally, the Committee requests the Government to indicate measures aimed at fostering age-diverse workplaces; ensuring health and safety at work for this category of the workforce; and incentivizing longer working lives to create an inclusive labour market that values the experience of older workers, ensuring they can continue to contribute meaningfully to the economy. Lastly, the Committee requests the Government to continue to provide statistical information on the employment rate, job placement results and income level of older workers.***

Employment of women. The Committee observes the Government's dedication to enhancing women's participation in economic activities by fostering a non-discriminatory work environment and a supportive childcare system for work–family balance. The employment rate of women has shown a steady increase from 57.7 per cent in 2021 to 60 per cent in 2022. Additionally, the Government provides information on the childcare support system, which includes maternity leave of 90 days for pregnant employees and ten days of paid leave for male workers, with pay support for small and medium-sized enterprises. The Government also plans to increase the number of benefits as announced by the Presidential Committee on Aging Society and Population Policy. The Committee further notes that female employees who are pregnant or have children aged 8 or younger can take paid parental leave for up to one year. The parental leave benefits have been increased, and the MOEL introduced the "3+3 parental leave system" from January 2022 to promote a culture of parental care. This system allows both parents to take parental leave within the first 12 months of a child's birth with increased benefits for the first three months. The Government also refers to the possibility for employees with children aged 8 or younger to reduce their working hours, with support for the ordinary wage. The Committee notes the Government's plan to expand the reduced working hours system for childcare. Furthermore, the Government supports flexible working hours and locations, such as staggered hours, flexitime and

remote work, and provides financial support for small and medium-sized enterprises to build infrastructure for work from home and for remote work. Lastly, the Government conducts various campaigns to improve public awareness about policy support for work-life balance. In addition, the Committee notes, from *OECD Economic Surveys: Korea 2024*, that childcare provision has significantly increased but that it does not fully meet the needs of working parents, partly reflecting scarcity of quality childcare and short opening hours. The OECD report also points out that despite improvements, Korean parents underutilise paid parental leave due to stringent eligibility criteria, low benefits and a fear of adverse career consequences reflecting the cost on employers. ***In view of the difference in the employment rates of women and men, the Committee requests the Government to continue to strengthen its efforts to increase women's participation in the labour market, particularly in full, productive, and sustainable employment, and to provide updated comprehensive information on the nature and impact of measures taken. Referring to its comments under the Workers with Family Responsibilities Convention, 1981 (No. 156), the Committee encourages the Government to pursue its efforts to adopt social policy and implement measures for further promoting work–life balance.***

Youth employment. The Committee notes the detailed information provided by the Government on new initiatives aimed at facilitating young people's entry into the labour market. The Government emphasizes customized employment services through public–private partnerships and youth needs, offering various work experience opportunities. Notably, the number of participants in youth experience programmes increased from 10,000 in 2022 to 20,000 in 2023. Additionally, the Government expanded membership operations and financial support for companies' voluntary participation in youth competency enhancement, with 74 companies receiving financial support in 2023 and the Government's financial support increasing from 17 billion won in 2022 to 25.1 billion won in 2023. To expand work experience in the public sector, the MOEL provided opportunities for participation in the policy process through internship programmes in central administrative agencies. The number of interns in public institutions rose from 19,000 in 2022 to 21,000 in 2023, with 2,000 in central administrative agencies. The Government also implemented various measures, including specialized support for early intervention for young people in schools, diversified and customized job search motivation programmes, and increased support for youth job take-off incentives. Furthermore, the Government introduced training programmes tailored to industry needs and high-tech courses for youth, and promoted youth-friendly fair recruitment. Collaboration with the Korea Corporation Management Association led to the drafting and distribution of a guide for fair recruitment (*Sympathy Recruitment Guidebook*), and the proposed revision of the Fair Hiring Procedure Act to develop a new Act for fair recruitment, aimed at protecting young persons' rights and establishing a fair recruitment system. The Committee also notes in this respect the OECD's observation that addressing labour market dualism through employment protection streamlining and social insurance strengthening would help improve the financial position of youth (*OECD Economic Surveys, Korea 2024*). ***Taking into account the rate of youth unemployment, 5.4 per cent in 2023 according to data available to the ILO Statistics Department (ILOSTAT), the Committee requests the Government to provide updated information on the status of the revision of the Fair Hiring Procedure Act and its impact on employment. The Committee also requests the Government to continue to promote the long-term integration of young persons in the labour market, including qualified young persons and other categories of young people who encounter difficulties in finding employment. The Committee further requests the Government to continue to provide up-to-date information on the measures taken or envisaged in this regard, as well as any progress made or results achieved, disaggregated by sex and age.***

Migrant workers. The Committee notes that the Government emphasizes its commitment to ensuring that migrant workers under the Employment Permit System (EPS) are treated fairly and have equal rights as workers who are nationals, under the country's labour laws. To this end, the Government has provided guidance and conducted inspections of workplaces employing EPS workers, although the number of such inspections decreased slightly from 3,063 in 2019 to 3,021 in 2022. The Government

has also strengthened labour management training for employers to protect the working conditions of EPS workers, including education on the Labour Standards Act and other relevant laws. Additionally, EPS workers with E-9 visas receive employment training before and after entry into the country about their legal rights and remedies in case of violations. The Government has provided 154 interpreters across 52 employment centres to assist with employment-related matters and complaints. Interpretation services have been extended to include "third-party phone call" services, engaging translators at foreign workforce consultation centres and foreign worker support centres nationwide. Complaint-related documents have been translated into 16 languages to ensure accessibility. Furthermore, the Government adopted guidelines in January 2021 to improve living conditions for EPS workers in agriculture and fisheries, prohibiting temporary building accommodation without a license or notification. ***Taking due note of this information, the Committee asks the Government to continue to report on this issue and refers to its 2023 comments under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) where it requested the Government to continue providing information on: (i) measures taken to improve the protection of migrant workers against discriminatory treatment, their access to justice and to decent living conditions; (ii) statistics on the number of complaints filed and their outcome; and (iii) progress achieved through the implementation of the Guidelines on the Human Rights of Migrants, the fourth Basic Plan based on the Framework Act on Treatment of Foreigners Residing in the Republic of Korea or any other relevant policy document adopted in the meantime.***

Article 3. Consultations with the social partners. The Committee notes the Government's information regarding the Employment Policy Council and the Employment Policy Deliberative Council (EPDC), which are integral to shaping and implementing employment policies in the country. The EPDC, established under article 10 of the Framework Act on Employment Policy, comprises of 29 members, including representatives from government ministries, labour organizations and employer groups, ensuring a balanced approach to employment issues. The EPDC's role includes deliberating on significant employment matters, providing recommendations, aligning local employment policies with national strategies, and evaluating the effectiveness of employment programmes. In 2022, the EPDC held six meetings, addressing various agenda items such as the employment impact assessment projects, the National Employment Support plan, labour welfare promotion, employment crisis region designations, and support for special employment industries. The Committee also notes the activities of the EPDC's specialized committees, which focus on areas like regional employment, employment services, social enterprise development, affirmative action, employment promotion for persons with disabilities and construction worker employment improvement. These specialized committees consist of up to 20 members, including labour and management representatives. The Committee observes, however, that the Government does not provide information related to consultations with representatives of the persons affected by employment policy measures, including representatives of workers in non-standard forms of employment. ***The Committee therefore requests the Government to provide information on such consultations and to continue to provide detailed and updated information on consultations with the social partners on the matters covered by the Convention.***

Sudan

Employment Policy Convention, 1964 (No. 122) (ratification: 1970)

Previous comment

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 106th Session, June 2017)

The Committee recalls that the Conference Committee on the Application of Standards, during its 106th Session held in June 2017, noted the persistence of high unemployment and underemployment

in the country, which principally affects the persons in vulnerable situations, women and young people. In its conclusions, the Conference Committee requested the Government to develop a coherent strategy, in the framework of the national policy, to promote full, productive and freely chosen employment with the participation of representatives of the most representative employers' and workers' organizations. It also requested the Government to continue availing itself of ILO's technical assistance, so that the capacity of employers' and workers' representatives in this respect could be strengthened. Finally, the Conference Committee also invited the Government to avail itself of the ILO's technical assistance to implement the above conclusions and achieve full, productive and freely chosen employment. The Committee notes that an armed conflict erupted in the country in 2023 between the Sudanese Armed Forces and the Rapid Support Forces, and that this conflict is still ongoing. ***While recognizing the complexity of the prevailing situation due to the presence of armed groups and armed conflict in the country, the Committee trusts that the Government will make every effort to make the objective of securing full, productive and freely chosen employment an integral part of its strategic vision for the sustainable future of the country.*** In this respect, the Committee wishes to highlight the added value of the *Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205),* which emphasizes the importance of employment in recovery and resilience and provides guidance on generating employment and decent work to promote peace and resilience in crisis situations arising from conflicts and disasters. Highlighting issues such as gender equality, social dialogue, the creation of sustainable enterprises and robust social protection systems, the Recommendation focuses on addressing the root causes of fragility and taking preventive measures.

Articles 1, 2 and 3 of the Convention. Formulation of an employment policy and coordination with poverty reduction. Consultation with the social partners. The Committee refers to its previous comments where it noted the Government's indication that a road map was developed for the implementation of the national employment policy. A 35-member working group of the tripartite High Consultative Committee for the National Employment Policy was tasked with formulating the policy, in accordance with Decision No. 33 of 28 August 2014 of the Minister of Labour and Administrative Reform. The High Consultative Committee carried out its work through specialized committees and working groups, supported by international experts. The final version of the policy was approved by the High Consultative Committee on 15 November 2017. The Committee recalls that the policy was submitted to the competent department in the Council of Ministers on 25 September 2018 and was to be resubmitted to the Council of Ministers for approval. A steering committee was established under Administrative Decision No. 16 of 2020 to oversee the completion of the modernization process. Efforts towards the policy have included an analysis of the social, economic and political situation through various initiatives, such as a rapid labour force survey, an in-depth study of credit and central bank policies, an in-depth study of fiscal and monetary policies related to employment, and a panel survey. The Government indicates that the results of these analyses will be shared with the social partners, stakeholders and all relevant parties to achieve a revised and up-to-date national employment policy that addresses priorities, including the provision of decent work opportunities for young people and women. The policy aims to improve the labour market, making it more dynamic while promoting coordination among institutions at both central and state levels. However, the Government indicates that the national employment policy has yet to be adopted, as a draft national employment policy is currently under review. Regarding *Article 3* of the Convention on the consultations with representatives of the persons affected by employment policies, the Government indicates that it has established the Steering Committee, which includes representatives from employers', workers' and civil society organizations, as well as researchers and academics. It adds that social dialogue has been promoted through Steering Committee meetings and via a technical committee that follows up on the review and update process of the draft national employment policy, reinforcing the principle of social dialogue. Additionally, the Government indicates that it is currently seeking to implement measures to facilitate the transition from the informal to the formal economy. The Committee notes the Government's request for support from

the ILO to review and update the national employment policy. The Committee notes with ***regret*** that the policy formulation and adoption process is yet to be concluded. The Committee emphasizes that employment policies are crucial for sustainable national economic and social development and for addressing issues such as high unemployment and underemployment, particularly among women and young persons; poverty especially in rural areas and rising inequality; skills mismatch; high numbers of refugees and internally displaced persons adding pressure on the labour market and social services; and the destruction of critical infrastructure, including roads, factories and agricultural land. ***Taking into account that the process to formulate the national employment policy began in 2014, the Committee hopes that the Government will be able to indicate progress made in this regard in the very near future, and asks it to provide updated detailed information in this respect in its next report, in accordance with the recommendations made by the Conference Committee in 2017, and to provide a copy of the policy once it is adopted. The Committee also requests the Government to continue to provide detailed information on the consultations held with the social partners regarding the formulation and implementation of an active employment policy, as well as to provide information on consultations with representatives of the persons affected by the measures to be taken, such as women, young persons, and those working in rural areas and in the informal economy. Furthermore, noting that informality remains a significant issue in the labour market in Sudan, the Committee requests the Government to indicate the manner in which the employment policy tackles this issue, considering the very high informality rates prevailing in the private sector, the fact that many workers in Sudan are in vulnerable informal employment, with a large share working only irregularly for a low income, and enduring long working hours and unsafe and unhealthy working conditions, and that employment is largely concentrated within microenterprises, which often lack the resources to provide formal employment conditions (ILOSTAT: Statistics on the Informal Economy).*** The Committee emphasizes in this regard the importance of securing a strategic policy framework aimed at building the gateways for the transition from the informal to the formal economy as reflected in the *Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).* This Recommendation is based on the recognition that the informal economy poses a major obstacle to sustainable development and is characterized by the denial of rights at work, insufficient opportunities for quality employment, inadequate social protection and low productivity. It sets out a dynamic vision for its successful implementation through the integration of national policy frameworks, of which employment policies represent a central part.

Article 2. Collection and use of labour market data. Employment trends. In reference to *Article 2* of the Convention, the Government indicates that the national employment policy will include a two-year priority action plan with a framework for assessment and follow-up. To study and assess the evolving state of the national labour market and develop labour policies, the Government has undertaken various surveys to collect, compile and disseminate data. A survey assessing the impact of the COVID-19 pandemic in Sudan has also been conducted as part of the efforts to prepare the draft national employment policy. Additionally, a panel survey of the Sudanese labour market covering the years 2021–22 has been completed. While the Committee notes the surveys referenced by the Government, it observes that no statistical data was included in the report. ***Emphasizing the importance of data collection and analysis as a central component of policy design and implementation, the Committee strongly encourages the Government to duly collect and process labour market-related data and to provide with its next report updated statistical data, disaggregated as much as possible, on the situation and trends of employment, unemployment and visible underemployment, in the formal and informal economies.***

Uganda

Employment Policy Convention, 1964 (No. 122) (ratification: 1967)

Previous comment

Articles 1 and 2 of the Convention. Articles 1 and 2 of the Convention. Coordination of employment policy with poverty reduction. The Committee refers to its previous comment requesting information on the active labour measures taken and the implementation of the National Development Plan (NDP) III for 2020/21–2024/25. It notes the information provided by the Government, including the employment measures implemented in response to the COVID-19 pandemic. The Government indicates that NDP III emphasizes sustainable industrialization for inclusive growth, employment and sustainable wealth creation. Under the Human Capital Development Programme, there is a stronger focus on creating a skills-based, job-rich economy that is competitive and meets the needs of both the national and global economies. The Government adds that the vision statement of the employment policy under review is "a competitive labour force for Uganda's socio-economic transformation". This amendment to the employment policy aligns with Uganda's Vision 2040, which aims to transform Ugandan society from an agrarian economy to a modern and prosperous nation, emphasizing factors that define a country's productivity level. The Committee notes that the position of the Government on employment is to leverage the private sector's contribution as an engine of growth, given that the public sector can currently generate 200,000 jobs per year. This figure remains significantly below the 1.2 million Ugandans who enter the labour market annually. Consequently, many school leavers remain unemployed or accept positions for which they are overqualified. Regarding employment statistics, the Government indicates that the labour market information system is being developed to capture labour market information and trends. This has been a consultative process lasting several years and is now in the final stages of system approval following the completion of its initial development. The Committee notes the statistics provided by the Government indicating that the 2021 Labour Force Survey shows an increase in percentage of the working age population employed in positions for which they are overqualified (from 6 per cent in 2019–20 to 9 per cent in 2021). The labour force participation rate stands at 48 per cent (39 per cent for women and 58 per cent for men), reflecting an increase from the 43 per cent reported in the Uganda National Household Survey 2019–20. Uganda's unemployment remains high, with the long-term unemployment rate at 49 per cent (2021 Labour Force Survey), significantly higher than the sub-Saharan Africa average of 32.7 per cent. The Committee notes that, according to the ILOSTAT database, the overall unemployment rate in Uganda stood at 12.7 per cent in 2021 (10.9 per cent for men and 15.3 per cent for women). The Committee notes in addition that, in 2023, in collaboration with the Ministry of Gender, Labour and Social Development, the ILO delivered capacity-building training to support the revision of Uganda's National Employment Policy and its alignment with the Fourth National Development Plan (2026–2030) and to forge a resilient employment framework that fosters sustainable economic growth for job creation and inclusion.

Recognizing the ongoing challenges highlighted above, the Committee requests the Government to provide detailed information on the new National Employment Policy, once adopted, and to indicate how it aims to address these, including the large size of the informal economy that negatively impacts labour rights enforcement, and a level of economic growth that has so far not resulted in sufficient job creation. The Committee also requests the Government to indicate measures taken with a view to strengthening labour administration and mainstreaming groups in vulnerable situations into employment policies, which are crucial for an inclusive approach to job creation. The Committee requests the Government to indicate how the new policy aims at securing implementation through effective coordination, budgeting and accountability within the Government. The Committee also requests the Government to provide updated information on the impact of the employment measures taken, including those addressing the long-term unemployed as well as youth unemployment, which is a major issue requiring new indicators and a focus on opportunities for young

people. The Committee also requests the Government to indicate how the new policy addresses the issue of the mismatch between skills and labour market demands, including through better responding to the needs for vocational training. Also, noting the orientation towards job creation and entrepreneurship, the Committee asks the Government to indicate whether the new National Employment Policy foresees the inclusion of financial mechanisms to support job creation, including by small and medium-sized enterprises. Lastly, the Committee also requests the Government to provide information on the completion of the labour market information system, as well as updated statistics on current trends regarding employment, unemployment and underemployment, disaggregated by sex, age, religion, economic sector and region.

Informal economy. According to the statistics provided by the Government from the 2021 Labour Force Survey, the overall level of informality in the economy remains high at 87.9 per cent. The Committee notes from the 2024 ILO *Rapid assessment of digital skills gaps and the feasibility of microwork employment opportunities in Uganda* that a large share of the country's economy is informal and comprised of self-employed persons, with a great many economic operations driven by small enterprises. The high degree of informality does not facilitate a response to market demands. It depends on people's capacity to deliver services. This implies that the success of the informal sectors in meeting market demand depends on the skills, resources and other capacities of the individuals who run businesses in those sectors. The Committee further notes that informality was reduced with increasing levels of education completed, ranging from 98 per cent for those with lower than primary level education, to 49 per cent for persons who completed a degree (university graduates) and above (*Diagnosis on informality in targeted intervention areas of the PROSPECTS programme in Uganda*, ILO, 2021).

In this respect, the Committee points out that, in order to effectively combat informality, the Government may refer to the guidance provided by the *Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)*. This Recommendation establishes the strategic vision developed by the ILO tripartite constituents securing transitions to the formal economy by building and implementing integrated policy frameworks that include, inter alia, labour, tax and social security laws. Such integrated policies are indeed essential to promote sustainable growth that creates jobs and benefits people living in poverty. ***In view of the above, the Committee requests the Government to provide detailed and updated information on the employment policy measures adopted and their impact on promoting the transition from the informal to the formal economy, in coordination with other public policies, including, for example, social protection, education, and fiscal and rural development policies. In particular, the Committee requests the Government to indicate whether the measures taken or envisaged include the following: (i) strengthening the legal framework to ensure laws are conducive to formalization and are effectively enforced; (ii) supporting entrepreneurship, along with enhancing access to microfinance to provide the necessary resources for small businesses to grow and become part of the formal economy; (iii) investing in skills and vocational training to equip workers with the skills needed in the formal economy, while expanding social protection to offer a safety net for informal workers; (iv) fostering private sector-led growth, so as to create formal employment opportunities, and implementing, in parallel, targeted programmes to reduce informality; (v) engaging in social dialogue with employers' and workers' organizations in the design and implementation of formalization strategies, while advancing gender parity in the labour market to ensure that women have equal opportunities to transition to the formal economy; and (vi) using direct and indirect policy measures to enhance trust in authorities. Noting the high levels of employment in the informal economy in Uganda and the importance of an integrated strategy for the formalization of employment, the Committee recalls that the Government may avail itself of the ILO's technical assistance.***

Promotion of youth employment. The Committee previously requested information on measures envisaged or adopted to reduce the unemployment rate of young people, as well as the proportion of young people in informal employment. The Government refers to key indicators from the 2021 Labour Force Survey, which show that youth employment stands at only 36.5 per cent, while 41.1 per cent of youth are not in employment, education or training. In this respect, the Committee notes the Government's efforts to address unemployment through initiatives, such as the National Green Jobs Strategy and the National Youth Employment in Agriculture Strategy, along with other measures aimed at creating gainful employment opportunities for young people. The Government has also created programmes designed to equip young people with skills and start-up kits, encouraging productivity. These programmes include the Parish Development Model, which was launched in 2022 to empower local communities, particularly young people; the Regional Presidential Innovation Hubs to promote youth skills development; and the Jua Kali programme that focuses on skilling youth and providing start-up kits for job creation. ***The Committee requests the Government to provide more specific information on the impact of the measures taken to address high youth unemployment, including the skills mismatch, and measures to anticipate the future needs of the labour market in the provision of education and training programmes. It also requests the Government to provide up-to-date statistics on youth employment and unemployment rates, disaggregated by sex, age, urban versus rural areas and education level.***

Promotion of women's employment. In its previous comments, the Committee requested information on measures to combat persistent occupational segregation based on sex and to increase the participation rate of women in the formal labour market. The Government refers to its efforts to promote employment, including initiatives such as the Uganda Women's Entrepreneurship Programme, and other initiatives aimed at creating income-generating opportunities for people. The Committee notes that the United Nations Committee on the Elimination of All Forms of Discrimination against Women, in its concluding observations of 1 March 2022 on the combined eighth and ninth periodic reports of Uganda, noted the efforts made by the Government to lift rural women, who constitute 75 per cent of the female population, out of poverty and to support entrepreneurship among rural women through various programmes and plans. It added that it was concerned, however, that 39 per cent of the predominantly women-headed households still rely on the subsistence economy, in particular in agriculture, with limited access to the country's rich natural resources and basic services, such as healthcare and social protection (CEDAW/C/UGA/CO/8-9). ***Referring to its comments adopted under the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee requests the Government to provide more detailed information on the impact of the measures taken to promote access for women to full, productive and freely chosen employment. Noting that no statistics were provided, the Committee once again requests the Government to provide information on the results achieved through such measures, including statistics on the participation rate of women, including women with disabilities, in the informal and formal labour market.***

Article 3. Consultations with the social partners. The Committee notes the Government's indication that, at the national level, the standard practice for developing legislation in Uganda involves official consultations with the social partners throughout the process of drafting and finalizing legalisation. These consultations occur through formal written communications, as well as workshops and seminars, in which stakeholders are invited to provide input into policy documents and other governmental efforts. The Government also refers to the Tripartite Charter, which recognizes the importance of cooperation among the Government, employers and workers in creating employment and enhancing productivity and competitiveness through consultation and negotiation based on mutual trust and understanding. These parties have agreed to establish a National Productivity Centre to promote industrial peace and harmony, which is essential for enhancing productivity and competitiveness. Furthermore, the social partners support and cooperate with the Government in implementing

programmes aimed at promoting decent employment and job security for labour productivity and competitiveness. ***The Committee requests the Government to provide further information on the content and outcome of the consultations held with employers' and workers' organizations in the formulation and implementation of employment measures, particularly concerning the new National Employment Policy.***

Ukraine

Employment Policy Convention, 1964 (No. 122) (ratification: 1968)

Previous comment

The Committee notes the observations of the Confederation of Free Trade Unions of Ukraine (KVPU) received on 31 August 2023. It also recalls the earlier observations from the KVPU and the Federation of Trade Unions of Ukraine (FPU), received on 6 October 2022, concerning the application of the Convention. ***The Committee requests the Government to provide its comments on these observations.***

Articles 1 and 2 of the Convention. Implementation of an active employment policy. The Committee acknowledges the extremely difficult situation the country has been facing since 24 February 2022 and the challenge that the war represents to implement a policy to promote full, productive and freely chosen employment. Despite these difficulties, the Government provides information on efforts to implement an active employment policy, including initiatives by the State Employment Service (SES) to assist jobseekers. The Government indicates that the SES is focused on providing social services to citizens regarding job searches, including through the organization of public works and other works of a temporary nature, as well as professional guidance and training. It adds that, according to section 15 of the 2012 Law on Employment of the Population No. 5067-VI, the national employment policy is based on the principle of ensuring equal opportunities for the population to exercise the constitutional right to work. Efforts to boost employment include changing SES service procedures to increase customer service levels and public trust in the employment service. On 17 March 2023, the Cabinet of Ministers adopted Resolution No. 237, which defines the responsibilities within employment centres to ensure the delivery of quality services, and the priority of providing such services in electronic form. The Committee notes the employment statistics provided for 2020 and 2021, and notes the Government's indication that the State Statistics Service did not conduct labour force surveys in 2022 due to the war. In 2020, 606,000 people were employed with the assistance of employment centres, including 291,000 women and 12,000 persons with disabilities. In 2021, 504,000 people were employed with the assistance of employment centres, including 252,000 women and 14,000 persons with disabilities. In 2022, the total decreased to 305,000 people, including 150,000 women and 9,000 persons with disabilities.

The Committee notes this information and the Government's efforts aimed at implementing an active employment policy amidst the ongoing war. It observes that the war has severely impacted Ukraine's economy, leading to widespread destruction of infrastructure, businesses and homes. According to ILO estimates (*ILO Monitor on the World of Work,* Tenth edition, 2022), employment in Ukraine declined by 15.5 per cent in 2022 in comparison to the previous year, which is equivalent to 2.4 million jobs lost. Moreover, ILO employment projections (*ILO Monitor on the World of Work*, Eleventh edition, 2023) suggest stagnant activity in 2023 as the hostilities continued to severely constrain the potential of the Ukrainian economy and its labour market. The war-related disruptions have resulted in a significant decline in economic activity and increased unemployment. The conflict has caused inflation to soar, making everyday goods and services more expensive, which has eroded the purchasing power of citizens. In addition, millions of persons have been displaced internally or have fled to other countries which has severely impacted social services and disrupted communities, making it difficult to maintain stable living conditions (UNEP, *Global impact of the war in Ukraine: Billions of people face the greatest cost-*

of-living crisis in a generation, 8 June 2022). Furthermore, the healthcare system is under immense pressure due to war-related injuries and numerous educational institutions have been damaged or repurposed for military use, disrupting the education of millions of children (UN News, *Report reveals war's "stark impacts" on Ukraine society*, 19 June 2023). The war has also disrupted energy supplies, leading to shortages and higher prices and this has affected heating, electricity, and fuel availability, which are critical for daily life and economic activities. Lastly, ongoing military operations and the threat of further attacks create an environment of insecurity, which hampers economic recovery and investment. The Committee notes that despite these challenges, Ukraine is working towards recovery with the ILO and other international support and efforts to rebuild infrastructure, stabilize the economy and provide social services to its citizens. The Committee recalls in this respect the relevance of the *Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205*), which provides important guidelines on using the leverage of employment and decent work in preventing, preparing and responding to conflicts. It recalls from the guiding principles of Recommendation No. 205 that the promotion of full, productive, freely chosen employment and decent work are vital to promoting peace, preventing crises, enabling recovery and building resilience (Paragraph 7(a)). ***While recognizing the difficult circumstances in the country, the Committee requests the Government to continue to provide information on how it pursues an active policy designed to promote full, productive and freely chosen employment, as well as information on the impact of measures taken. It also recalls the importance of collecting employment data and requests the Government to provide detailed, updated information, including statistical data disaggregated by sex, age and region, regarding the employment situation in the country. Additionally, the Committee requests the Government to provide updated information concerning the activities of the State Employment Service, including with respect to the manner in which its placement activities have led to lasting employment opportunities.***

Coordination of education and training programmes with employment policy. The Committee notes the Government's indication that the SES organizes vocational training to match the skills of jobseekers to the needs of employers, aiming to expand competencies and increase competitiveness of unemployed persons on the labour market. The Law on Employment of the Population allows for vouchers to enhance labour market competitiveness through retraining and advanced training for seven categories of workers, including vulnerable groups. Vocational training by employment centres supports employer requests, self-employment and labour market needs. In June 2022, amendments to the Law on Vocational (Vocational and Technical) Education were adopted, allowing for the opportunity to obtain lifelong vocational and technical education under certain conditions. The Committee refers in this respect to Paragraph 19(a) of Recommendation No. 205, which calls on Members to formulate or adapt a national education, training, retraining and vocational guidance programme that assesses and responds to emerging skills needs for recovery and reconstruction, in consultation with education and training institutions and employers' and workers' organizations, engaging fully all relevant public and private stakeholders. ***The Committee requests the Government to provide information on the impact of education and training programmes, as well as recent legislative changes, including the amendments made to the Law on Vocational (Vocational and Technical) Education. It also requests the Government to provide information on the consultations held concerning the development of these programmes.***

Youth employment. The Government indicates that the SES ensures the implementation of the constitutional right to work of unemployed young citizens and social protection against unemployment. In 2020, 762,000 young people under the age of 35 received employment services, with 178,000 employed with the assistance of employment centres. In 2021, 676,000 young people received employment services, with 130,000 obtaining employment; and in 2022, 312,000 received employment services, with 69,000 employed via the employment centres. In reply to the previous comments concerning the measures taken to prevent and prohibit the use of discriminatory restrictions, including age restrictions, in job vacancy announcements, the Government refers to section 11 of the Law on

Employment of the Population which forbids discrimination in the field of employment. The Law on Advertising prohibits recruitment demands based on specified grounds, including age, and penalties are imposed for violations. ***The Committee requests the Government to continue to provide detailed information, including statistical data disaggregated by sex and age, on the impact of youth employment measures, including those implemented by the State Employment Service.*** Taking into account the national context, the Committee also wishes to refer in this respect to Recommendation No. 205, which emphasizes the need to include specific youth employment components in disarmament, demobilization and reintegration programmes. These components should incorporate psychosocial counselling and other interventions to address anti-social behaviour and violence, with a view to reintegration into civilian life. Furthermore, the Recommendation emphasizes the importance of providing income-generating opportunities to young people which can be achieved through training, employment, and labour market programmes. The Committee considers that such measures are part of a broader effort to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters.

Article 3. Consultations with the social partners and representatives of persons affected. The Committee notes the KVPU and FPU's 2022 observations concerning legislation adopted without consultations with the social partners. This concern persists in the KVPU's 2023 observations. For example, Law No. 2136-IX on Labour Relations under Martial Law was adopted pursuant to a shortened procedure, without social dialogue. According to the workers' organizations, Law No. 2136-IX was adopted for the period of martial law and restricts the rights of employees. The Law allows employment contract suspension, affecting employees' wage payments and access to unemployment benefits. ***The Committee hopes that the Government will take the necessary measures to give effect to Article 3 of the Convention by duly organizing consultations with the representatives of the persons affected by employment policies, and in particular representatives of employers and workers, and requests the Government to provide detailed information on the content and outcome of such consultations in its next report.*** In addition, the Committee recalls that Recommendation No. 205 underscores the critical role of tripartite consultations in crisis contexts by emphasizing the development of responses through social dialogue, involving the most representative employers' and workers' organizations, and relevant civil society organizations where appropriate. The Recommendation thus advocates for inclusive decision-making processes that engage governments, employers and workers' organizations in addressing employment and decent work challenges arising from conflicts and disasters. It calls for coordination and synergy between humanitarian and development assistance, facilitated by social dialogue to ensure comprehensive and coherent measures. Additionally, the Recommendation highlights the importance of good governance, national reconciliation and a just transition to an environmentally sustainable economy, all of which are supported by effective tripartite consultations. Finally, the Recommendation affirms the need to respect national laws and leverage local knowledge, capacity and resources, achievable through dialogue with local employers' and workers' organizations.

ILO technical assistance. The Committee notes with ***interest*** the technical assistance provided by the ILO with regard to the implementation of the Convention. It notes that an integrated, multi-track and three-pillar approach to recovery is proposed in the 2024–25 ILO Transitional Cooperation Strategy for Ukraine, which aims at spearheading a transitional effort to set Ukraine on the path to decent work by investing in people, creating quality employment and sustainable enterprises, and improving labour market governance, including social dialogue. ***The Committee invites the Government to provide information on the implementation of the above Strategy and results achieved.***

Uruguay

Private Employment Agencies Convention, 1997 (No. 181) (ratification: 2004)

Previous comment

Articles 1, 3, 10 and 14 of the Convention. Regulation of private employment agencies. The Committee notes with ***satisfaction*** that Decree number 137/016 on Private Employment Agencies, regulating Act No. 17.692, was approved on 9 May 2016, and that the definition of private employment agencies as well as the regulation of their functioning is largely based on the provisions of the Convention. It also notes the Government's reply to its previous observation, indicating that a registry of private employment agencies, comprised of a team that can receive, control and register, or renew the registry of, the documentation required under the Decree, has been established within the National Employment Directorate (DINAE).

The Committee is raising other matters in a request addressed directly to the Government.

Bolivarian Republic of Venezuela

Employment Service Convention, 1948 (No. 88) (ratification: 1964)

Previous comment

The Committee notes the observations of the Confederation of Workers of Venezuela (CTV), the Federation of University Teachers' Associations of Venezuela (FAPUV), the Independent Trade Union Alliance Confederation of Workers (CTASI) as well as the observations of the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS), communicated by the Government with its report.

Articles 1, 2, 3 and 6 of the Convention. Contribution of the employment service to the promotion of employment. Application of the Convention in practice. The Committee notes the Government's indication that between 2018 and 2022, the Ministry of People's Power for the Social Process of Labour (MPPPST), directed its attention to the stabilization, protection and consolidation of the social process of labour, taking a holistic approach. The Government indicates generally that, within that context, the MPPPST formulated new strategies aimed at boosting the main sectors of the economy and the productive development of the country, and introduced innovations in working methods to promote the consolidation of the institutional management of all its operative units. The Government indicates the signing, on 17 December 2020, of an interinstitutional cooperation agreement between the MPPPST and the Ministry of People's Power for University Education (MPPEU) on collective, integrated, continuous and lifelong training. The MPPEU also signed an agreement with various universities to develop possible training arrangements. The Committee further notes the information provided by the Government regarding the number of workers registered in the Meeting Centres for Education and Work (CEET) for guidance, inclusion, training and self-training purposes. The Committee observes that between 2019 and 2021, the number of women and men workers registered in the CEETs fell drastically from 13,036 workers (only 446 obtained employment) to 3,994 (only 68 persons belonging to groups with employment integration difficulties obtained employment). The Government indicates that between 2018 and the first semester of 2022, through the Social Welfare Divisions (DPS), 34,792 persons with disabilities received care and guidance from the Comprehensive Care System for Vocational Habilitation and Rehabilitation (SAIHRO), and 20,349 persons received care and guidance with regard to social welfare for non-dependent workers (SIOTRAINS), involuntary loss of employment (SAIPIE) and labour migration (SIOMIL). Lastly, the Government reports on the implementation of the Special Training and Education Programme of the National Institute for Socialist Education and Training (INCES). The objective of the Special Programme is to coordinate, guide and evaluate action implemented under the Collective, Integrated, Continuous and Lifelong Training and Self-training

Programme regarding what is required to promote participation by persons with disabilities in the world of work. The Committee observes, however, that the information provided by the Government does not make clear the numbers of job applications received, of vacancy notifications, and of job placements made by the CEETs and the DPS, or the number of persons who subsequently entered employment.

The Committee notes that, in their observations, the CTV, the FAPUV and the CTASI denounce the absence of an authority within the MPPPST responsible for the establishment of a service for job vacancies and applications, and for a national system of employment offices, as required by the Convention. They also maintain that the data provided by the Government in its report do not correspond to reality, come from unknown sources and do not make it clear which workers, who benefitted from the measures indicated, entered the labour market. The CTV, the FAPUV and the CTASI state that there is no free access to updated information on world of work indicators, as the National Institute of Statistics (INE) does not have updated figures, the most recent being from 2018. Finally, the CTV, the FAPUV and the CTASI affirm that, according to the National Survey on Living Conditions (ENCOVI), conducted by the Andrés Bello Catholic University, between 2014 and 2021 formal employment fell by 4.4 million jobs, 70 per cent of which were in the public sector. They add that in 2021, only 32.9 per cent of women were economically active, compared to 67.1 per cent of men. With regard to the training provided by the CEETs, the CTV, the FAPUV and the CTASI maintain that it is based on party political lines, with the result that the training measures implemented are ideologically weighted. For its part, FEDECAMARAS indicates that the CEETs should enhance the training dispensed, focusing on research, technology and innovation so as to adapt to changes in today's market, and the absolutes imposed by technical innovation and the digital economy. In this regard, FEDECAMARAS underscores the importance of a collaborative, tripartite approach in promoting coordinated action by the training centres in those areas, to relaunch productivity and employment. FEDECAMARAS also emphasizes the need to seek funding mechanisms and international cooperation to provide equipment to enable workers to access tools, equipment and last generation technological platforms.

In the light of the above, the Committee recalls that a fundamental obligation under the Convention is to maintain or ensure the maintenance of a free public employment service, to ensure the best possible organization of the employment market. This service shall consist of a national system of employment offices under the direction of a national authority, and shall comprise a network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers (*Articles 1, 2* and *3(1),* of the Convention). The Committee emphasizes that, to be considered as a public employment service in conformity with the requirements of the Convention, the national system of employment offices should be configured principally to implement the general policy in regard to referral of workers to available employment, and be able to provide statistical information to enable clear identification of job applications and vacancies, and also of successful job placements – information that was not included in the Government's report. The Committee, therefore, considers that although the training activities described in the Government's report constitute part of the competences of a public employment service, no information has been provided on other essential functions of such a national employment service, under the direction of a national authority, which generally include labour mediation, job placement and dissemination of information on the labour market. In this regard, the Committee emphasizes that the creation and maintenance of a network of free public employment services is essential to achieving full employment, and critical to ensuring access to the labour market, promoting skills development, providing valuable information and guidance to workers seeking employment or new occupational options, or who wish to start their own enterprises, assisting employers seeking to engage persons with the necessary skills, providing the required social welfare benefits and, ultimately, providing economic stability. Public employment services also play a key role in the implementation, monitoring and evaluation of employment policies; without a network of this type, directed by the State, it would be difficult to attain the objectives of such policies, and the economy would suffer from higher

levels of unemployment. ***In this connection, and considering the above-mentioned observations, the Committee urges the Government to provide detailed information on the manner in which national law and practice guarantee that a public employment service, consisting of a national system of employment offices under the direction of a national authority, ensures effective recruitment and placement services, as established by Article 6 of the Convention. The Committee also requests the Government to provide statistical information, disaggregated by sex and age, making it possible to identify the number of job applications received, notifications of vacancies and job placements completed by the Meeting Centres for Education and Work (CEET) and the Social Welfare Divisions (DPS). Lastly, the Committee requests the Government to provide detailed information on the measures adopted, in cooperation with the social partners, to take account of developing economic prospects, in order to align the training and education programmes of the CEETs more closely to future labour market needs.***

Articles 4 and 5. Cooperation with the social partners. The Committee recalls that for 15 years it has been requesting the Government to provide information on the manner in which it ensures cooperation with the social partners in the organization and functioning of the public employment service. The Committee also recalls that, in its previous comments, it requested the Government to respond to the observations of FEDECAMARAS and the International Organisation of Employers (IOE), in which they indicated that the Government was failing to comply with *Article 5* of the Convention, and that FEDECAMARAS had not been consulted with regard to the formulation and implementation of the general employment service policy. The Committee observes that the Government includes no information in its report in this regard.

The Committee notes that FEDECAMARAS, in its observations, proposes the creation of advisory committees with a view to establishing closer cooperation with the social partners in the organization and functioning of the employment service, as required under *Article 4* of the Convention. The Committee also notes that the CTV, the FAPUV and the CTASI indicate that they were not consulted on the formulation of a general employment service policy. In this regard, the Committee is obliged once more to recall that *Article 5* of the Convention provides that the general policy of the employment service shall be developed after consultation of representatives of employers and workers, through advisory committees. ***The Committee therefore urges the Government to provide detailed information on the measures taken to establish such advisory committees at national and regional level. It also urges the Government to provide specific examples of the prior consultations held with employers' and workers' organizations to ensure their cooperation in the organization and functioning of the public employment service.***

Article 8. Special arrangements for juveniles. The Committee notes the Government's indication that the CEETs provide assistance and necessary guidance to the Major Youth Employment Mission *(Gran Misión Chamba Juvenil)* to promote the inclusion of young persons in the social process of labour, and ensure continuity in their collective, integrated, continuous and lifelong training and self-training. The Government adds that, in 2022, through INCES, 81,227 young persons undertook productive training (technical training applied to the production of local foodstuffs in rural municipalities), 32,849 took part in the National Apprenticeship Programme (PNA) (a training programme aimed at young, first-time jobseekers), 14,078 in the productive baccalaureate (aimed at preparing young persons to continue higher studies in their area of interest and according to their occupational profile), and 1,172 participated in the "Luisa Cáceres de Arismendi" programme (a training programme aimed at persons deprived of their liberty).

The Committee also notes that, for their part, the CTV, the FAPUV and the CTASI deny knowledge of the activities implemented to promote youth employment in the context of the Major Youth Employment Mission, and of their impact, and therefore cannot evaluate them. They state that the young persons participating in the Major Mission are not paid a wage, but receive a monthly stipend fixed by the Government and are without social security benefits. With regard to the activities

undertaken by INCES, the workers' organizations maintain that the institution has for years not fulfilled the function for which it was originally established, and that the premises in which it delivered its training courses have been abandoned. The Committee also notes that FEDECAMARAS underlines the importance of developing joint programmes to promote the integration of young persons in the productive process and their formation in entrepreneurship jointly with the social partners. Finally, the Committee refers to its 2022 observation regarding the implementation of the Employment Policy Convention, 1964 (No. 122), in which it notes the precarious situation of young persons in the labour market, which has led to their exodus in search of employment. ***The Committee therefore urges the Government to provide updated information, including statistical information disaggregated by sex, on the nature and impact of the support services and activities to promote employment, furnished by the employment services, with a view to ensuring the access of young persons to decent work and sustainable employment. In this regard, with reference to its observation of 2022 on Convention No. 122, the Committee firmly hopes that the Government will present in its next report an evaluation, formulated with the participation of the social partners, of the impact of the active employment policy measures taken to reduce youth unemployment and promote the sustainable insertion of young persons in the labour market, in particular for the most vulnerable categories of young persons. The Committee also draws the attention of the Government to the guidance provided by the Quality Apprenticeships Recommendation, 2023 (No. 208), and asks the Government to provide information on the measures taken to integrate and promote quality apprenticeships through the services provided by the public employment services.***

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 2** *Guyana;* **Convention No. 88** *Belize, El Salvador, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Kazakhstan, Lebanon, Republic of Korea;* **Convention No. 96** *Ghana, Ireland, Türkiye;* **Convention No. 122** *Antigua and Barbuda, Australia, Barbados, Brazil, Cameroon, Chad, China, China (Hong Kong Special Administrative Region), China (Macau Special Administrative Region), Cuba, Denmark (Greenland), El Salvador, Estonia, Fiji, Georgia, Germany, Greece, Guinea, Ireland, Israel, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Mali, Mongolia, Morocco, Netherlands, Nicaragua, Niger, North Macedonia, Panama, Papua New Guinea, Peru, Philippines, Portugal, Suriname, Tajikistan, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yemen;* **Convention No. 159** *Afghanistan, Germany, Greece, Guinea, Hungary, Ireland, Jordan, Kuwait, Kyrgyzstan, Republic of Korea, Tajikistan, Trinidad and Tobago, Tunisia, Uganda, Ukraine, Uruguay, Viet Nam, Yemen;* **Convention No. 181** *Georgia, Hungary, Israel, Mongolia, Sierra Leone, Uruguay.*

Vocational guidance and training

Guinea

Paid Educational Leave Convention, 1974 (No. 140) (ratification: 1976)

Previous comment

Articles 2 and 6 of the Convention. Policy for the promotion of paid educational leave. Participation of the social partners. Application in practice. The Committee recalls that, for over 30 years, it has been requesting the Government to provide detailed information demonstrating that it has formulated and applied a policy promoting the granting of paid educational leave for the various training and education purposes set out in the Convention. Moreover, for more than 15 years, it has been requesting the Government to describe the manner in which the public authorities, employers' and workers' organizations and institutions providing education and training are associated with the formulation and application of the policy to promote paid educational leave. The Committee notes that in its report the Government refers once again to the provisions of the Labour Code on the funding for vocational training (sections 141.1 to 141.5), the vocational training course (section 144.2), and deeming periods of educational leave, which are fixed by the branch collective agreements or, if not possible, by the employer following consultation with the trade union representatives, to be time actually worked in the determination of leave (sections 222.9 and 222.14). The Government also indicates that it requested the technical assistance of the Office for the preparation of a draft new Labour Code. It reiterates that a draft new National Employment Policy is being finalized which includes, like the previous National Employment Policy, a basic education and vocational training development programme, and refers in this regard to the information communicated in its report on the application of the Human Resources Development Convention, 1975 (No. 142).

In light of the foregoing, the Committee notes with ***regret*** that the Government has still not provided information on the formulation and application in practice of a policy designed to promote the granting of paid educational leave. With regard to the references to sections 141.1 to 141.5 and 144.2 of the Guinean Labour Code and to the vocational training development programme, the Committee wishes to highlight that paid educational leave is not only a means of vocational training for workers but must be able to be used for their broader aspirations of general, social and civic education, and trade union education (1991 General Survey on human resources development, paragraphs 325 and 357). As for the references to sections 222.9 and 222.14 of the Labour Code, these sections recognize the notion of "training leave" without, however, defining the terms and conditions of their application. The Committee therefore once again emphasizes that the main requirement under the Convention is for the Government to formulate, in consultation with the social partners, a policy designed to promote the granting of paid educational leave for the purpose of training at any level, general, social and civic education, and trade union education (*Articles 2* and *6* of the Convention), and recalls that the term "paid educational leave" means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements *(Article 1* of the Convention*)*. ***As the information provided by the Government does not allow for an evaluation of the effect given to the provisions of the Convention, the Committee trusts that the Government will provide, in its next report, detailed information demonstrating that it has formulated and applied, in accordance with Article 2 of the Convention, a policy designed to promote the granting of paid educational leave for the various purposes prescribed. It also urges the Government to indicate the manner in which the public authorities, employers' and workers' organizations and institutions providing education and training are associated with the formulation of this policy (Article 6 of the Convention). Lastly, the Committee reiterates its request to the Government to communicate all reports, studies, surveys or statistical data allowing for an evaluation of the level of application of the Convention in practice.***

[The Government is asked to reply in full to the present comments in 2026.]

Human Resources Development Convention, 1975 (No. 142) (ratification: 1978)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 1 of the Convention. Formulation and implementation of education and training policies. In response to the Committee's previous comments, the Government indicates that the Ministry of Technical Education, Vocational Training, Employment and Labour has envisaged measures with a view to improving the initial training of teachers. These measures include raising the entry requirements for the teaching profession to the single baccalaureate and granting an incentive bonus of 150,000 Guinean francs (GNF) per month to student teachers during their two years of training in order to attract the best candidates. The Government also reports that a liberalization of private initiatives has facilitated the growth of private schools, which employ a large number of graduates from teacher training colleges. In this context, the Government indicates that a state mechanism has been established for the supervision, inspection and coordination of these private schools at the national and local levels. The Government indicates that, in order to strengthen links between training and employment, a strategy to link the graduates' final examination to the recruitment competition for the public service is being formulated by an inter-ministerial committee comprising representatives of the public service, finance, budget, national education, literacy and technical education. A strategy targeting the training of young persons is envisaged by the Government through the "Boosting skills for the employability of young persons" (BOCEJ) project, within which vocational and technical training and higher education institutions work with the private sector to prepare training projects via a public–private partnership (PPP) with a view to improving the employability of young graduates. In the context of enhancing the status of the teaching profession, the Committee notes the signature of joint order No. 2018/1629/MESRS/METFPET/SGG of 21 March 2018, issuing Bachelor's diplomas to graduates of "B" training institutes. The Government adds that, to address the lack of teachers, it has initiated a training programme for 2,000 teachers a year with the support of the World Bank. In this regard, two main innovative training strategies have been implemented: emergency training comprising three months of classroom training and nine months of practical training, followed by three further months of classroom training; and regular training comprising nine months of classroom training and nine months of practical training. The Committee notes that, according to the 2015–17 education sector programme, the Government has implemented several measures to combat the gender inequalities suffered by young women. ***The Committee therefore requests the Government to indicate the measures taken to eliminate gender inequality between young women and men, and their results. The Committee requests the Government to provide statistical data, disaggregated by age and sex, on the impact of the measures implemented within the framework of the above training strategies and programmes, and a copy of the order of 21 March 2018. The Committee refers to its comments on the Employment Policy Convention, 1964 (No. 122), and reiterates its request to the Government to provide detailed information on the manner in which it ensures effective coordination between vocational guidance and training policies and programmes and employment policies and programmes and on the manner in which it facilitates lifelong learning, as envisaged in Paragraph 3(a) of the Human Resources Development Recommendation, 2004 (No. 195). The Committee also requests the Government to indicate the impact of these policies on the creation of decent jobs and poverty eradication in accordance with Paragraph 16 of the Recommendation. Lastly, the Committee requests the Government to continue to provide information on the consultation and coordination measures between the various competent bodies to develop comprehensive and collaborative policies and programmes for vocational guidance and training.***

Article 5. Cooperation with the social partners. The Government indicates that the social partners, students' parents, local politicians, the community and non-governmental organizations were heavily involved in the implementation of the training project for 2,000 teachers a year. It adds that it decided, in cooperation with the social partners, that it was necessary to review the project, which was implemented from 2011 to 2012. In this context, the Government and the social partners implemented a new training model through the education sector programme with the institutional support of CEPEC-Lyon International. The Government indicates that the social partners are also involved in the implementation of this model, which is currently in force in teacher training colleges, as part of the practical training of the student teachers. ***The Committee requests the Government to continue to provide detailed information on the participation***

of the social partners and other concerned parties in the formulation and implementation of vocational guidance and training policies and programmes. The Committee also requests the Government to describe any consultation procedures or mechanisms established in this regard.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Guyana

Paid Educational Leave Convention, 1974 (No. 140) (ratification: 1983)

Previous comment

Article 2 of the Convention. Formulation and application of a policy designed to promote the granting of paid educational leave. In its previous comment, the Committee requested the Government to provide information on the formulation and implementation, in collaboration with the social partners, of measures to promote the granting of paid educational leave for the purpose of training at any level, as well as for general, social, civil and trade union education, and to communicate the texts in which the policy was expressed. The Committee notes the Government's indication that there are no further steps to report in that regard and that it will endeavour to bring the matter before the National Tripartite Committee (NTC). The Government nevertheless points out that a circular was adopted back in 2017 which provides that public servants with over five years of continuous service may be granted paid study leave for pursuing a bachelor's degree or higher. The Government also underlines that the Public Service Ministry adopted a scholarship policy in 2018 which sets a decision-making process for the granting of scholarships, and which states that public servants who are granted scholarships may be considered for study leave in accordance with the above-mentioned 2017 circular. Furthermore, the Government reiterates that, in the private sector, companies design their arrangements and policies regarding paid educational leave in consultation with workers' organizations. The Committee recalls that the principal obligation of the Convention, as outlined in *Article 2*, is to formulate and apply a policy designed to promote the granting of paid educational leave to a worker for educational purposes for a specified period, during working hours, for the purpose of: training at any level; general, social and civil education; and trade union education. The Committee further recalls that such a policy presupposes that the public authorities decide upon a specific course of action that necessarily involves authorities and bodies for a certain length of time (1991 General Survey on human resources development, paragraph 327). Regarding the announced reform of the Guyanese labour legislation, the Committee notes the Government's indications that it is still underway, and that the ILO is providing technical assistance in that regard. The Committee also notes that the announced review of the Guyanese apprenticeship system is also still in progress, and that an evaluation report was completed which is attached to the Government's report. ***Recalling that the Committee has been calling the Government's attention to the need to effectively implement Article 2 of the Convention for several years, the Committee expresses the hope that the Government will provide in its next report detailed information on progress achieved in the formulation and application of a policy designed to promote the granting of paid educational leave for the purpose of training at any level, in the various areas prescribed by the Convention, both in the public and in the private sector. Noting that the reform of the Guyanese labour legislation is still in progress, the Committee requests the Government to provide a copy of the new legislation once adopted and to provide information on amendments made to the labour legislation relevant to matters covered under the Convention. The Committee also requests the Government to provide updated information on amendments to the apprenticeship system which are relevant to matters covered under the Convention.***

Article 6. Consultation with the social partners. The Committee recalls that, in its comments made between 2002 and 2020, it repeatedly requested the Government to describe the manner in which it fulfilled the obligation, as set out in *Article 6* of the Convention, to ensure that employers' and workers'

organizations, and institutions or bodies providing education and training, are associated with the formulation and application of the policy for the promotion of paid educational leave. In its previous comment, made in 2022, the Committee took note of the Government's indication that it intended to place the issue of the promotion of paid education leave before the National Tripartite Committee (NTC), and requested the Government to provide detailed updated information on the content, frequency and outcomes of the tripartite consultations held within the NTC regarding matters covered under the Convention. The Committee notes with ***regret*** that the Government's latest report indicates that such matters were not discussed at the NTC, and stresses once again that *Article 6* of the Convention requires employers' and workers' organizations, and institutions or bodies providing education and training to be associated with the formulation and application of the national policy for the promotion of paid educational leave. ***The Committee therefore requests the Government to make all necessary arrangements to enable the participation of employers' and workers' organizations and institutions providing education or training in the formulation and application of the national policy for the promotion of paid educational leave.***

Application of the Convention. Part V of the report form. The Committee notes that the report still does not contain statistical information on the number of workers who benefited from paid educational leave during the reporting period. The Government indicates that efforts are being made to gather such statistical data. With reference to its previous comments, the Committee recalls that, in order to enable it to assess fully the effect given to the Convention, it is necessary for it to have available information on its application in practice, including the available statistics on the number of workers in the public and private sectors who are granted paid educational leave, as well as reports, studies and inquiries on the activities of technical institutions and bodies engaged in the provision of vocational education, training and guidance. ***The Committee therefore reiterates, once again, its request to the Government to provide information on the manner in which the Convention is applied, including, extracts from reports, studies and surveys, as well as statistics disaggregated by age and sex on the number of workers who have benefited from paid educational leaves during the period covered by the report.***

The Committee is raising other matters in a request addressed directly to the Government.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 140** *Afghanistan, Belize, Brazil, Germany, Guyana, Hungary, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Kingdom of Great Britain and Northern Ireland (Jersey), Zimbabwe;* **Convention No. 142** *Afghanistan, Antigua and Barbuda, El Salvador, Georgia, Greece, Guyana, Hungary, Ireland, Kenya, Kyrgyzstan, Lebanon, San Marino, Tajikistan, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland.*

Employment security

Papua New Guinea

Termination of Employment Convention, 1982 (No. 158) (ratification: 2000)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 1 of the Convention. For a number of years, the Committee has requested information concerning the ongoing revision of the Industrial Relations Bill which, according to the Government's 2013 report, includes provisions on termination of employment with the objective of giving effect to the Convention. In its reply to the Committee's previous comments, the Government indicates that the draft Industrial Relations Bill is still pending with the Department of Labour and Industrial Relations and is undergoing final technical consultations. The Government adds that the Department of Labour and Industrial Relations Technical Working Committee has carried out various consultations with national stakeholders, such as the Department Attorney General's Office, the Office of the Solicitor General, the Constitution Law Reform Commission, the Department of Personnel Management, the Department of Treasury and the Department of Planning, Trade Commerce and Industry, as well as with external technical partners, including the ILO. ***Referring to its previous comments, the Committee once again expresses the hope that the Government will take the necessary measures to ensure that the new legislation gives full effect to the provisions of the Convention. It also reiterates its request that the Government provide a detailed report to the ILO and a copy of the legislation as soon as it is enacted, so as to enable the Committee to examine its compliance with the Convention.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 158** *Antigua and Barbuda, Central African Republic, Saint Lucia, Uganda, Ukraine, Yemen, Zambia*.

Wages

Chad

Protection of Wages Convention, 1949 (No. 95) (ratification: 1960)

Previous comment

Articles 8 and 10 of the Convention. Deductions, assignments and attachments of wages. Further to its previous comments, the Committee notes that, according to the Government's report, no regulations have been adopted pursuant to section 277 of the Labour Code, in order to fix the portions of wages subject to progressive deductions and the related rates. The Committee recalls in this regard that, according to *Article 8(1)* of the Convention, deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award. Furthermore, according to *Article 10(1)* of the Convention, wages may be attached or assigned only in a manner and within limits prescribed by national laws or regulations. ***The Committee therefore requests the Government to take the necessary steps to establish, by national laws or regulations, by collective agreement or by arbitration award, the conditions and limits in which deductions from wages may be authorized. It also requests the Government to take the necessary legislative measures to establish the conditions and limits regulating attachments or assignments of wages.***

Article 12. Regular payment of wages. Public sector. Further to its previous comments concerning the late payment of wages in the public sector, the Committee notes the Government's indication that arrangements have been made to ensure that the workers affected receive their remuneration. ***The Committee requests the Government to continue its efforts to ensure the regular payment of wages in all sectors, in accordance with Article 12 of the Convention. The Committee also requests the Government to specify the measures taken in this regard and to supply further information on their implementation and their results.***

Comoros

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (ratification: 1978)

Protection of Wages Convention, 1949 (No. 95) (ratification: 1978)

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) (ratification: 1978)

The Committee notes with ***deep concern*** that the Government's reports have not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Conventions on the basis of the information at its disposal at its next session.

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on wages, the Committee considers it appropriate to examine Conventions Nos 26 and 99 (minimum wages) and No. 95 (wage protection) together. The Committee notes the observations of the Workers Confederation of Comoros (CTTC), on the implementation of Conventions Nos 26, 95 and 99, received in 2017.

Minimum wage

Article 3 of Convention No. 26 and Article 3 of Convention No. 99. Minimum wage fixing machinery and the methods to be followed in its operation. In its previous comments, the Committee requested the Government to provide information on any decree or order adopted with respect to the minimum wage after obtaining

the opinion of the Labour and Employment Advisory Council (CCTE), in accordance with section 106 of the Labour Code. The Committee notes the Government's indication in its report that in 2015, the CCTE examined seven regulatory texts including the decree fixing the inter-occupational guaranteed minimum wage (SMIG) for workers covered by the Labour Code. The Government adds that the tripartite members of the CCTE recommended that an expanded consultation framework should be established as soon as possible in order to examine the subject in greater depth through additional studies, taking into consideration the experience of other countries with regard to wage fixing as well as the country's socioeconomic situation. The Committee notes that according to the CTTC, despite the discussions held by the CCTE in 2015, no text setting minimum wages was adopted. The Committee further notes that sections 90–92 of the Labour Code provide that collective agreements concluded by joint committees, composed of representatives of the most representative employers' organizations and trade unions in the sector, may be extended and then determine the wages that must be applied for each occupational category. ***In this context, the Committee requests the Government to take the necessary measures to give effect to the provisions of section 106 of the Labour Code without delay and to provide information in this respect. It also requests the Government to provide information on the collective agreements in force fixing wage rates for specific categories of workers and their possible extension pursuant to sections 90 and 92 of the Labour Code.***

Article 4 of Convention No. 26 and Article 4 of Convention No. 99. System of supervision and sanctions. The Committee notes that the CTTC indicates that the agricultural sector, like other sectors of the informal economy, is beyond the control of the State with regard to wages. ***The Committee requests the Government to provide its comments in this regard.***

Protection of wages

Articles 8 and 10 of Convention No. 95. Deductions from wages, attachment or assignment of wages. Further to its previous comments, the Committee notes that the Government indicates in its report that it intends to submit a draft order to the CCTE to determine the parts of wages that are liable to progressive deductions, as well as the part that is exempt from any attachment or assignment. The Committee notes that such an order is provided for under sections 114 and 119 of the Labour Code, as amended in 2012. ***The Committee requests the Government to take the necessary measures to adopt the order without delay and to provide information in this respect.***

Article 12(1). Regular payment of wages. Application in practice. Further to its previous comments on the need to resolve the situation of wage arrears, including in the public service, the Committee notes that the Government indicates that efforts have been made to address this problem but challenges remain. The Government affirms its willingness to end the non-payment of wages, in particular in the public sector. The Committee also notes that the CTTC underscores the lack of progress with regard to the settlement of wage arrears, including in the public sector for the period from 1995 to 2009. The Committee recalls that workers shall receive remuneration for the work done and that the fundamental nature of wages stems from their essential role in ensuring workers' livelihood. ***The Committee requests the Government to intensify its efforts to resolve the question of wage arrears definitively, particularly in the public sector, and to provide information in this regard.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Djibouti

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (ratification: 1978)

Protection of Wages Convention, 1949 (No. 95) (ratification: 1978)

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) (ratification: 1978)

The Committee notes with ***deep concern*** that the Government's reports have not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the

examination of the application of the Conventions on the basis of the information at its disposal at its next session.

The Committee notes the joint observations of the General Union of Djibouti Workers (UGTD) and the Labour Union of Djibouti (UDT) received on 4 May 2021 on Convention No. 95.

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on wages, the Committee considers it appropriate to examine Conventions Nos 26 and 99 (minimum wages) and 95 (protection of wages) together.

Minimum wages

Articles 1 to 3 of Convention No. 26 and Articles 1 and 3 of Convention No. 99. Minimum wage fixing machinery. Further to its latest comments on the need to reintroduce the guaranteed interoccupational minimum wage (SMIG), which was withdrawn from the legislation in 1997, the Committee welcomes the information provided by the Government in its report, particularly in respect of the approval by the National Council for Labour, Employment and Social Security of a draft amendment to the Labour Code aimed at reintroducing the minimum wage. The Committee notes with ***satisfaction*** that Act No. 221/AN/17/8th L of 2017, by amending section 60 of the Labour Code, effectively reintroduced the SMIG as from 1 January 2018.

Protection of wages

Articles 8(1) and 10 of Convention No. 95. Deductions from and attachments of wages. Further to its latest comments on the need to review the conditions in which wage deductions can be made and to limit the amount thereof, the Committee notes the Government's reference in its report to a draft text fixing portions of wages that are subject to progressive deductions and the related rates, which is under examination. The Committee also notes that by amending section 141 of the Labour Code, Act No. 221/AN/17/8th L of 2017 removed the possibility of allowing deductions from wages on the basis of an individual agreement. It also notes with ***satisfaction*** that the Code of Civil Procedure, adopted in 2018, fixes the portions of wages that may be subject to attachment. Lastly, it notes that a limit on the amount of deductions from wages made otherwise than by attachment is yet to be established. ***The Committee therefore requests the Government to indicate the progress made towards the adoption of a decree limiting the amount of these deductions, as provided for in section 142 of the Labour Code.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Guinea-Bissau

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (ratification: 1977)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

The Committee takes note of the observations of the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE), received on 1 September 2023.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, June 2023)

Article 3 of the Convention. Operation of the minimum wage-fixing machinery. The Committee notes the discussion that took place in the Conference Committee on the Application of Standards (hereinafter the "Conference Committee") in June 2023 concerning the application of the Convention. It notes that the Conference Committee requested the Government: (i) to review the minimum wage for the public and private sectors without delay, in consultation with the social partners, in accordance with the Convention; (ii) to establish the minimum wage-fixing machinery in consultation with the social partners with a view to fixing and updating the minimum wage on a regular basis in accordance with the Convention; (iii) to strengthen social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice; and (iv) to provide to the Committee of Experts a copy of the promulgated and published version of the new Labour Code. The Conference Committee also requested the Government to avail itself of ILO technical assistance, in close cooperation

with freely established and independent workers' and employers' organizations, to ensure full compliance with the Convention.

The Committee notes with ***regret*** that, according to the Government's report, a new minimum wage for the private sector has not yet been set. The Government nevertheless indicates that the Ministry is working with the social partners and is in the process of recruiting a consultant to conduct a preliminary study and determine the minimum wage criteria, in accordance with section 154 of the Labour Code. The Committee notes that, according to the ITUC's observations, the situation due to inflation and the rising cost of living has become unsustainable for workers. The ITUC also deplores the Government's attitude to social dialogue and tripartite consultations, mentioning the Government's use of violence and threats against workers. The Committee notes that the IOE also stresses the impact of rising food prices, urging the Government to take the necessary measures to bring the minimum-wage fixing machinery into line with the Convention, in close consultation with the social partners. ***The Committee therefore urges the Government to take all necessary measures to follow up on the conclusions of the Conference Committee without delay. It requests the Government to provide detailed information on the measures taken in this regard, including on the tripartite consultations that have taken place on the minimum wage.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Kazakhstan

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (ratification: 2015)

Protection of Wages Convention, 1949 (No. 95) (ratification: 2015)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on wages, the Committee considers it appropriate to examine Conventions Nos 26 (minimum wages) and 95 (protection of wages) together.

Articles 1 and 4 of Convention No. 26 and 2 of Convention No. 95. Scope of application. Protection of wages. Minimum wages and abatement. The Committee notes that according to section 104(1) of the Labour Code, the minimum monthly wage is set annually in the State Budget Act, at no less than the minimum subsistence level under the terms of section 17(1) of the Act on Minimum Social Standards and Guarantee. Noting that the Labour Code is the main implementing legislation of Conventions Nos 26 and 95 and further to its previous comment under Convention No. 95 on sections 1(43) and 8(2) of the Labour Code that make it applicable only to workers with an employment contract, the Committee notes that the Government does not include in its report any relevant information on this question. In this respect, the Committee also notes that the Government does not respond to the 2017 observations of the International Trade Union Confederation according to which most migrant workers lack written employment contracts and face irregular wage payments, with unjustified deductions, delays, and, in some cases, partial or non-payment of agreed wages. The Committee recalls once again that, in accordance with its *Article 2,* Convention No. 95 applies to all persons to whom wages are paid or payable, irrespective of the characteristics of their contracts, formal or non-formal (2003 General Survey on the protection of wages, paragraph 392). ***The Committee urges the Government to take the necessary measures to bring sections 1(43) and 8(2) of the Labour Code in conformity with the Conventions and ensure, both in law and practice, that all workers, including migrant and those persons to whom wages are paid or payable in the informal economy: (i) are covered by national legislation on minimum wages and are not paid at less than the fixed minimum rates, in accordance with Convention No. 26 and; (ii) benefit from national legislation that provides for the protection of wages, including their full and regular payment, in accordance with Convention No. 95.***

The Committee is raising other matters in a request addressed directly to the Government.

Rwanda

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (ratification: 1962)

Previous comment

Articles 1 and 3(2) of the Convention. Minimum wage-fixing machinery. Consultation of employers' and workers' organizations. In its previous comments the Committee urged the Government to take the necessary measures to fix new minimum wage rates, which have not been adjusted since 1980, including through the adoption of the Ministerial Order determining the minimum wage, without delay and in consultation with social partners. The Committee notes that the Government merely indicates in its report that: (i) it is still in consultations with social partners and stakeholders on minimum wages; and (ii) collective bargaining agreements are taking place at different sectoral levels to promote fair income. ***The Committee once again urges the Government to take all the necessary measures to fix new minimum wage rates, including through the adoption of the Ministerial Order determining the minimum wage, without delay and in consultation with social partners. It also requests the Government to provide information in regard to the collective bargaining agreements and other related measures that have been carried out to promote fair income.***

Article 4. Sanctions. Following its previous comments, the Committee notes that the Government indicates that once the minimum wage is set, the relevant laws will establish enforcement measures. In this respect, the Committee refers to its comments under the Labour Inspection Convention, 1947 (No. 81) regarding adequate sanctions in case of violation of minimum wages obligations. ***The Committee urges the Government to take the necessary measures, by way of a system of supervision and sanctions, to ensure that the employers and workers concerned are informed of the minimum rates of wages in force, and that wages are not paid at less than these rates in cases where they are applicable, and to establish a system of sanctions in case of non-compliance with the minimum wages rates, as required by this Article of the Convention.***

[The Government is asked to reply in full to the present comments in 2027.]

Saudi Arabia

Protection of Wages Convention, 1949 (No. 95) (ratification: 2020)

Previous comment

The Committee notes that, in November 2024, the Governing Body declared receivable a representation submitted by the Building and Wood Workers' International (BWI) under article 24 of the ILO Constitution, alleging non-observance by Saudia Arabia of Convention No. 95, as well as of the Forced Labour Convention, 1930 (No. 29), the Protocol of 2014 to the Forced Labour Convention, 1930 (P29), the Labour Inspection Convention, 1947 (No. 81), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and decided to appoint a tripartite committee to examine it (GB.352/INS/20/8 paragraph 6). The Committee notes that the allegations contained in the representation refer to *Article 12* of Convention No. 95. In accordance with its usual practice, the Committee has decided to suspend its examination of these issues pending the decision of the Governing Body in respect of the representation.

Article 15(c). Enforcement and penalties. The Committee notes the entry into force of the Ministerial Decision No. 75913 of 3 December 2023, which increases the number of categories of establishments eligible for paying lower penalties and significantly reduces the amount of fines applicable in the event of violation of the provisions on wage protection with respect to Ministerial Decision No. 92768 of 3 December 2021. The Committee emphasizes the importance of ensuring effective supervision, notably through the reinforcement of the activities of the labour inspectorate, and the strict application of appropriate penalties in order to prevent and punish wage protection provisions' violations (2003

General Survey on protection of wages, paragraph 463). ***The Committee requests the Government to take the necessary measures to ensure that all penalties established in the national legislation for protection of wages' violations (whether they are of an administrative, civil or penal nature) are sufficiently dissuasive to deter violations and are defined in proportion to the nature and gravity of the offence. The Committee also requests the Government to communicate information on the number and nature of penalties (administrative, civil, and penal) assessed and collected. It also refers to its comments made under Convention No. 81.***

The Committee is raising other matters in a request addressed directly to the Government.

Bolivarian Republic of Venezuela

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (ratification: 1944)

Protection of Wages Convention, 1949 (No. 95) (ratification: 1982)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on wages, the Committee considers it appropriate to examine Conventions Nos 26 (minimum wage) and 95 (protection of wages) together.

The Committee notes the observations concerning Conventions Nos 26 and 95 made jointly by the Federation of University Teachers' Associations of Venezuela (FAPUV), the Confederation of Workers of Venezuela (CTV), the General Confederation of Labour (CGT), the National Union of Workers of Venezuela (UNETE), the United Federation of Workers of Venezuela (CUTV), the Confederation of Autonomous Trade Unions (CODESA) and the Independent Trade Union Alliance Confederation of Workers (CTASI), received on 31 August 2024. The Committee also notes the observations concerning Convention No. 26 made jointly by the CTV, the CGT and the CTASI, received on 18 October 2024.

Follow-up to the recommendations of the Commission of Inquiry (complaint made under article 26 of the Constitution of the ILO)

Minimum wage

Articles 1 and 3 of Convention No. 26. Establishment of minimum wage-fixing machinery. Exceptionally low wages. Consultation and participation of the social partners. With reference to its previous comment, the Committee notes the discussions at the 350th and 352nd Sessions (March and November 2024) of the Governing Body on the report concerning developments on the full implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144, as well as the decisions adopted in this regard. In particular, the Committee notes that:

- between 1 and 2 February 2024, the fourth in-person session of the Social Dialogue Forum was held in Caracas, chaired by the Minister of Popular Power for the Social Process of Labour, with the participation of the following employers' and workers' organizations: the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS), the Venezuelan Federation of Craft, Micro, Small and Medium-Sized Business Associations (FEDEINDUSTRIA); the Bolivarian Socialist Confederation of Men and Women Workers in Urban and Rural Areas and Fishing of Venezuela (CBST-CCP); the CTASI; the CTV; and the CGT. The fourth session of the Forum was provided with technical assistance by the ILO Special Adviser on Social Dialogue and ILO officials at headquarters and in the field. During the two-day Forum, the tripartite constituents reviewed developments that took place during 2023 and in early 2024 in relation to the plan of action agreed at the previous Forum and adopted the follow-up to and

updating of the aforementioned plan of action established to give effect to the recommendations of the Commission of Inquiry concerning Conventions Nos 26, 87 and 144;

- under the updated plan it was agreed, in relation to Convention No. 26, to hold tripartite technical meetings and plenary meetings of the world of work on 21 June and 25 September 2024 and on 8 May and 23 October 2024, respectively. These meetings were attended by representatives of the Ministry of People's Power for the Social Process of Labour (MPPPST), on behalf of the Government, and representatives of FEDECAMARAS, FEDEINDUSTRIA, CTASI, CGT, CTV and CBST, on behalf of employers and workers, and were attended remotely, as observers, by the ILO Special Adviser on Social Dialogue and officials from the International Labour Standards Department at headquarters and in the field.

The Committee observes that the Governing Body will again consider developments related to compliance with the recommendations of the Commission of Inquiry at its next session in March 2025.

With respect to its previous comments on this matter, the Committee also notes the Government's indication in its report that: (i) on 15 January 2024, the advisory group met and formally established the consultation process on the minimum wage-fixing machinery and created a technical group composed of four government representatives, four employers' representatives and four workers' representatives, which met on 25 and 29 January 2024 in the presence of the ILO Special Adviser on Social Dialogue; (ii) in addition to the aforementioned tripartite meetings, two bipartite meetings were held involving the Government and the employers' and workers' representatives; (iii) at the end of the process, all reports, documents and minutes relating to the consultation were circulated to participants; and (iv) this material was submitted to the executive authority, which will take it into account when it takes decisions on the matter in due course. On this basis, the Government considers that the minimum wage-fixing machinery has been developed, approved and implemented.

The Committee also notes that in their joint observations, the FAPUV, the CTV, the CGT, the UNETE, the CUTV, the CODESA and the CTASI indicate that: (i) during the tripartite meetings to determine the minimum wage-fixing machinery, held in the first months of 2024, the social partners presented the relevant economic and social indicators but this did not lead to a comparative discussion of the indicators concerned; (ii) the indicators presented by the Government were not up to date and were insufficient, including in terms of the active working population in the public administration, financial revenues from oil and taxation matters; and (iii) a few minutes before the end of the last consultative meeting of the technical group on minimum wage-fixing machinery, the representatives of FEDECAMARAS put forward a minimum wage proposal that could not be discussed due to lack of time; although an extraordinary meeting was requested, the Government did not accept, indicating that further discussions were not necessary because the dissent was valid and would be reflected in the report that would be submitted to the executive authority.

In this respect, the aforementioned workers' organizations indicate that the tripartite meetings to determine the minimum wage-fixing machinery, held in January 2024, did not constitute effective consultations on determining the minimum wage-fixing machinery or its application, as evidenced by the fact that since 15 March 2022, there has been no increase in the minimum wage, which is currently 130 bolivars per month, equivalent to US$3.50 per month or US$0.11 (11 cents) per day; according to these organizations, this amount corresponds to less than 10 per cent of the extreme poverty daily wage (international calculation).

The CTASI, the CTV and the CGT indicate in their joint observations that: (i) the minimum wage has been frozen for more than two years and the wage bonus policy remains in place, all of which represents a step backwards with regard to wages; (ii) the minimum wage-fixing machinery agreed by the Social Dialogue Forum is not being applied and the proposal made by these workers' organizations for a monthly wage equivalent to US$200 has not received a reply from the Government; (iii) the Government launched consultations on the Anti-Blockade Act for the Working Class through a questionnaire sent to

employers' and workers' organizations and the establishment of technical roundtables in parallel to the Social Dialogue Forum agreements; and (iv) there is no effective consultation or discussion of proposals that would bring the actors closer to a consensus on wages, with the technical assistance of the ILO.

The Committee notes the Government's indications on the activities and bipartite and tripartite meetings held during 2024, on the minimum wage-fixing method and its application. In this respect, the Committee recalls that the Convention requires both consultation before the machinery is applied, in order to determine the minimum wage-fixing method itself, and the participation of employers' and workers' organizations during the effective application of the minimum wage-fixing machinery, in order to define the amount or amounts of the minimum wage (*Article 3(2)(1)* and *(2)*). The Committee wishes to emphasize that neither the consultations nor the participation are purely formal processes. Precisely, the Committee has stressed that: (i) participation implies a greater role on the part of organizations of employers and workers or of their representatives in decision-making than does consultation; it means direct collaboration with the responsible authorities in the application of the minimum wage-fixing machinery; (ii) social partners need to be exhaustively consulted, all available documentation that has to be considered in determining or adjusting minimum wages needs to be provided, and the proposals of the social partners have to be thoroughly studied; and (iii) the consultation and participation referred to in the Convention imply that employers and workers, their representatives or those of their organizations be able to have a real influence on the decisions to be taken (1992 General Survey on minimum wages, paragraphs 192, 193, 195 and 264).

The Committee also recalls once again that: (i) while Convention No. 26 does not provide an explicit definition of minimum wage, *Article 1* thereof indicates that the purpose of its establishment is to protect workers in sectors in which wages are exceptionally low; and (ii) the determination and maintenance, by the ratifying States, of the minimum wage-fixing machinery is not, strictly speaking, sufficient to comply with the requirements of the Convention, which additionally require the effective fixing of those wages.

In this respect, the Committee notes with ***concern*** that, as indicated by the workers' organizations that sent observations on the application of the Convention, the current minimum wage in the country is exceptionally low and has not been increased for more than two years. The Committee notes with ***regret*** that according to the information available to it, the tripartite meetings were not sufficiently informed, given the Government's failure to present adequate indicators and refusal to discuss the indicators presented by the social partners. The Committee ***deeply regrets*** that the consultation process that took place through the meetings of the advisory group on the minimum wage and the other related tripartite and bipartite meetings did not yield substantial results, in particular by fixing a minimum wage that takes into account the different positions and proposals of the social partners, as well as the economic and social situation of the country.

While regretting that since the Commission of Inquiry made its recommendations no substantial progress has been made in the application of the Convention, the Committee firmly urges the Government to take the necessary measures as a matter of urgency to fix the minimum wage or wages, in accordance with the method or methods agreed at the technical roundtables established for this purpose in the context of the Social Dialogue Forum, having taken due account of the proposals made by the workers' and employers' organizations during the consultation process held in that context. The Committee requests the Government to report on any developments in this regard.

Protection of wages

Articles 1 and 4 of Convention No. 95. Protection of all elements of remuneration. Payment in kind. Further to its previous comments, the Committee notes the Government's indication in its report that: (i) Presidential Decree No. 4805 of 1 May 2023 expressly indicates the monthly amount in bolivars fixed by the National Executive for the Socialist Cestaticket; (ii) the term "in kind" is not mentioned in any

article of the Decree; and (iii) when workplace inspections are carried out, it is verified that the workplace makes payments in legal tender to the worker's bank account.

The Committee also notes that, in their joint observations, the FAPUV, the CTV, the CGT, the UNETE, the CUTV, the CODESA and the CTASI indicate that: (i) the Government has converted many elements of workers' remuneration into bonuses and payments of all kinds (food benefit, bonus against the economic war and so on), which constitute what the Government terms "comprehensive minimum income"; (ii) this minimum income is not wage-based, in that it has no impact on social benefits, wage premiums, leave, Christmas bonuses and other additional benefits, and remains outside the scope of application of the Convention and its protection; and (iii) most of the remuneration consists of these non-wage-based elements, which leads to a process of gradual "desalarization".

On the basis of the above information, provided both by the Government and by the social partners, the Committee notes with ***concern*** that the larger part of workers' incomes consists of bonuses paid in cash or in kind, but that these are in not in any way wage-based. The Committee notes with ***deep regret*** that no progress has been achieved in the resolution of this issue and that, on the contrary, it appears to have become more pronounced. ***While referring back once again to the analysis it has made in previous years on this matter (see in particular the observation adopted in 2017), the Committee again requests the Government to take without delay the necessary measures to find, through dialogue with representative employers' and workers' organizations, appropriate solutions that allow the full application of these Articles of the Convention. The Committee suggests that the Government establish a forum for dialogue with the above-mentioned organizations in order to find solutions for this issue that are applicable over the long term. The Committee requests the Government to provide information in this regard.***

Articles 5 and 14. Electronic payment of wages. Information on constituent elements of wages. The Committee notes the Government's indication, in response to its previous comments, that: (i) section 106 of the Organic Act on Labour, Men and Women Workers (LOTTT) requires the employer to issue wage slips, under penalty of sanctions; (ii) many workplaces, public and private, have digitalized their wage slips, thereby allowing the worker access to this information by any electronic means at any time required; and (iii) in cases where it is difficult for workers to have access, the employer is required to provide wage slips in tangible form.

In their joint observations, the FAPUV, the CTV, the CGT, the UNETE, the CUTV, the CODESA and the CTASI indicate that: (i) the electronic payment of wages continues to pose the same challenges indicated in previous years; (ii) the payment of wages in the public administration through the "sistema patria" continues to create problems, as the system does not recognize retroactive pay or errors in pay and it is not possible to file a claim for the resulting discrepancies to the detriment of the workers; (iii) with regard to the bonuses paid by this means, some workers receive them and others do not; and (iv) wages and various forms of unearned income are paid by bank transfer to workers' accounts, but it is only possible to access this income in big cities to make purchases in shops with digital platforms; in small villages or medium-sized towns, digital platforms are highly unstable due to lack of light and/or internet, with the result that many workers are unable to access their wages and non-wage bonuses without going to the nearest bank branch, often located more than 50 kilometres from their place of residence or work. The Committee ***regrets*** to note once again that no progress has been achieved in the resolution of this issue. ***The Committee once again requests the Government, in consultation with the employers' and workers' organizations concerned, to take effective measures to address the question of electronic payment of wages so that all workers, in any part of the country, can access their wages directly, in conformity with the Convention.***

Article 12. Delayed payment of wages. The Committee notes that the Government's report does not contain any reply to its previous comment in relation to the observations submitted in 2023 by the CODESA, the CTV, the FAPUV, the CTASI, the UNETE, the CUTV and the CGT on delays in the payment of

wages in the health sector. The Committee notes that the aforementioned organizations reiterate their previous observations in their joint observations submitted in 2024. In particular, they indicate that: (i) delays in and reductions in the amount of wage payments have continued to occur; (ii) leave and end-of-year bonuses are always paid in an untimely manner, and sometimes in instalments; and (iii) this situation has spread to the university education sector. The Committee notes with ***regret*** that there has been no progress in the resolution of this issue. ***The Committee requests the Government to take without delay the necessary measures, in consultation with the employers' and workers' organizations concerned, to ensure that all workers receive payment of their wages at regular intervals.***

[The Government is asked to reply in full to the present comments in 2025.]

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 26** *Congo, Guinea, Seychelles, Slovakia;* **Convention No. 95** *Congo, Iraq, Israel, Kazakhstan, Lebanon, Romania, Russian Federation, Saudi Arabia, Slovakia, Spain, Suriname;* **Convention No. 99** *Guinea, Kenya, Seychelles;* **Convention No. 131** *Guatemala, Kenya, Lebanon, Romania, Serbia, Spain;* **Convention No. 173** *Russian Federation, Spain.*

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 26** *Germany, South Africa;* **Convention No. 95** *Honduras;* **Convention No. 99** *Germany;* **Convention No. 131** *Japan.*

Working time

Chad

Weekly Rest (Industry) Convention, 1921 (No. 14) (ratification: 1960)

Holidays with Pay Convention (Revised), 1970 (No. 132) (ratification: 2000)

Previous comment on Convention No. 14

Previous comment on Convention No. 132

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on working time, the Committee considers it appropriate to examine Conventions Nos 14 (weekly rest, industry) and 132 (annual holiday with pay) together.

Weekly rest

Article 5 of Convention No. 14. Compensatory rest. Further to its previous comments, the Committee notes the information provided by the Government in its report concerning the arrangements applicable to workers in the oil industry. However, the Committee notes with ***regret*** that the Government has still not provided information on the measures taken to ensure, as far as possible, compensatory rest in the cases of the suspension of weekly rest authorized by sections 9 and 10 of Decree No. 56/PR-MTJS-DTMOPS of 8 February 1969 establishing arrangements for weekly rest. ***The Committee therefore requests the Government to take measures to ensure that, as far as possible, provisions are adopted requiring periods of rest in compensation for the suspensions authorized by sections 9 and 10 of Decree No. 56/PR-MTJS-DTMOPS of 8 February 1969. The Committee requests the Government to provide information on the measures adopted to this effect.***

Annual holidays with pay

Article 4(1) of Convention No. 132. Proportionate holiday for public employees. Further to its previous comment, the Committee notes the Government's indication in its report that it will keep the Committee informed of any developments in relation to the revision of Act No. 017/PR/2001 of 31 December 2001 issuing the general regulations of the public service with a view to taking into account the question of proportionate holiday for public employees. The Committee recalls that, in accordance with *Article 4(1)*, a person whose length of service in any year is less than that required for entitlement to full leave shall be entitled in respect of that year, in law and practice, to a holiday with pay proportionate to the length of service. ***The Committee requests the Government to take the necessary measures, including through the revision of Act No. 017/PR/2001 of 31 December 2001, to give full effect to Article 4(1) in law and practice.***

Article 5(2). Minimum period of service. Further to its long-standing comments on this subject, the Committee observes that section 217 of the Labour Code and clause 56 of the General Collective Agreement still provide that the right to take holidays becomes effective after a period of actual service, or service considered as such, equivalent to one year. The Committee recalls that, in accordance with *Article 5(2)* of the Convention, it is for the competent authority or the appropriate machinery to determine the length of any such period of minimum service, which shall not in any event exceed six months. The Government has not provided any further information on this subject. ***The Committee therefore once again requests the Government to take the necessary measures to ensure that the minimum periods of service required for entitlement to annual holidays with pay are in conformity with the Convention.***

Article 6(2). Periods of incapacity for work. Further to its previous comments on this subject, the Committee notes that, in accordance with sections 117 and 118 of the Labour Code, periods of absence

resulting from occupational diseases and employment injury are considered as a suspension of the contract. ***Nevertheless, noting the absence of provisions in the national legislation providing that periods of incapacity for work resulting from occupational sickness or injury shall not be counted as part of the minimum annual holiday with pay, the Committee requests the Government to take the necessary measures to ensure that, under conditions to be determined by the competent authority or through the appropriate machinery, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay.***

Article 7(1). Holiday pay. The Committee notes that the Government has not replied to its previous comments on section 220 of the Labour Code, which provides for benefits in kind to be excluded from the calculation of holiday pay, with the exception of food provided by custom or in accordance with regulations or agreements. ***The Committee therefore requests the Government to take the necessary measures to give effect to Article 7(1) of the Convention, which provides that every person taking the holiday envisaged in the Convention shall receive in respect of the full period of the holiday at least their normal or average remuneration, including the cash equivalent of any part of the remuneration which is paid in kind, unless it is a permanent benefit continuing whether or not the person concerned is on holiday with pay.***

Article 10. Time at which the holiday is to be taken. Further to its previous comments, the Committee notes the Government's indication that public employees may choose the dates of holidays which suit them when the holiday schedule is established or by making a request to their hierarchical superior. The Committee notes this information, which replies to its previous request.

Czechia

Hours of Work (Industry) Convention, 1919 (No. 1) (ratification: 1993)

Previous comment

Article 2 of the Convention. General standard on daily hours of work. In its previous comments, the Committee noted that section 83 of the Labour Code provides for a unified maximum shift length of 12 hours for unevenly and evenly distributed working hours of employees and requested the Government to take appropriate measures to ensure that the daily limit on the normal hours of work is brought into conformity with the Convention. The Government indicates in its report that: (i) this arrangement gives the employer more flexibility to schedule the hours of work and employees gain longer uninterrupted rest periods; (ii) a 12-hour shift is not a common practice, but the 8-hour shift in a five-day work week continues to be the most common practice; and (iii) the stated maximum limit of working hours and the weekly limit of the fixed weekly working hours is fully in line with the requirements of Directive 2003/88/EC of the European Parliament and of the Council on certain aspects of the organization of working hours. The Committee recalls that compliance with Directive 2003/88/EC is not in itself sufficient to ensure compliance with the requirements of this Convention, one of whose main principles is the cumulative limit of 8 hours of normal working hours per day and 48 hours per week. ***Noting the Government's explanations regarding the application in practice of section 83 of the Labour Code, the Committee requests the Government to take the necessary steps to ensure full conformity with this provision of the Convention both in law and in practice.***

Articles 2(b), 2(c), 4, and 5. Variable distribution of working hours. Circumstances. Further to its previous comments on section 78(1)(m) of the Labour Code that allows the averaging of working time over a period of 26 weeks, with the possibility of extending it to 52 weeks by collective agreement, the Committee notes the Government's indication that it is not considering shortening the averaging period and tying the possibility of averaging only to specific exceptional cases. The Committee recalls that the averaging of hours of work in general is authorized in the Convention only over a reference period of one week, and provided that a daily limit of nine hours is required *(Article 2(b))*; and that in all the other

cases in which the averaging of working hours is allowed over reference periods longer than a week, the circumstances are clearly specified, as follows:

- in case of shift work, it shall be permissible to employ persons in excess of 8 hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed 8 per day and 48 per week *(Article 2(c));*
- in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, the daily and weekly limit of hours of work may be exceeded subject to the condition that the working hours shall not exceed 56 in the week on the average *(Article 4)*; and
- in exceptional cases where it is recognized that the limits of 8 hours a day and 48 hours a week cannot be applied, agreements between workers' and employers' organizations may fix a longer daily limit of works, provided that the average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed 48 *(Article 5).*

The Committee requests the Government to take the necessary measures to bring section 78(1)(m) of the Labour Code in conformity with the requirements of the Convention.

Article 6(2). Temporary exceptions. 1. *Limits to overtime.* In previous comments, the Committee noted that: (i) section 93(3) and (4) of the Labour Code authorize overtime work beyond the absolute limits of 8 hours per week and 150 hours per year with the employee's agreement, as far as an average of 8 hours per week over 26 consecutive weeks is not exceeded; and (ii) a collective agreement can extend that limit to 52 consecutive weeks. Noting that the possibility of averaging overtime over a very long reference period without absolute daily limits may lead to a very high number of overtime hours being worked over certain weeks, the Committee requested the Government to bring this provision into conformity with the Convention. The Committee notes that the Government indicates that is not considering restricting overtime limits. ***Recalling the impact that long hours of work can have on workers' health and work-private life balance, the Committee requests the Government to take the necessary measures to ensure that the application of section 93(3) and (4) in the practice, takes into account the importance of keeping the number of additional hours allowed within reasonable limits to respect both the health and well-being of workers, and the employers' productivity needs. It also requests the Government to communicate concrete examples and statistics on the manner section 93(3) and (4) is applied.***

2. *Overtime pay*. For a number of years, the Committee has been noting that sections 114 and 127 of the Labour Code which state that overtime shall be paid at a 25 per cent higher rate than the regular rate, unless the worker concerned and the employer agree to replace the higher rate of pay with compensatory rest, is not consistent with *Article 6(2)*. The Committee notes that the Government does not provide any relevant information on this issue. ***Recalling the importance of additional hours being in all cases remunerated and paid at a higher rate than normal hours, even in the cases where compensatory time off is granted (2018 General Survey on working time instruments, paragraph 158), the Committee requests the Government to take the necessary measures to bring its legislation into conformity with the Convention.***

Democratic Republic of the Congo

Weekly Rest (Industry) Convention, 1921 (No. 14) (ratification: 1960)

Previous comment

Legislative developments. The Committee notes that Act No. 16/010 of 15 July 2016 amending and supplementing Act No. 015-2002 issuing the Labour Code amends section 121 of the Labour Code to reduce the weekly rest period from 48 to 24 hours.

Article 5 of the Convention. Compensation. In its previous comments, noting that, in accordance with sections 9 and 10 of Ministerial Order No. 068/12 of 17 May 1968 on weekly rest, it is allowed to employ workers during their weekly rest period by paying overtime, without also granting them compensatory rest, the Committee requested the Government to indicate the measures taken or envisaged to ensure that compensatory rest is granted for any exception to the rules on weekly rest. The Committee notes the Government's indication in its report that it undertakes to adopt regulations to guarantee weekly rest in order to preserve the health of workers, without however indicating even an approximate period for the adoption of such provisions or providing details of the specific measures that it plans to adopt for that purpose. ***The Committee requests the Government to take the necessary measures without delay to ensure that all workers without exception who work during their weekly rest period are entitled to compensatory rest irrespective of any financial compensation provided.***

Indonesia

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (ratification: 1972)

Previous comment

Legislative developments. The Committee notes the Governments' indication in its report that the Decree of the Minister of Manpower and Transmigration No. KEP 102/MEN/VI/2004 on Overtime Work and Overtime Pay has been revoked through the Minister of Manpower Regulation No. 23 of 2021 and that this revocation was implemented as a result of the enactment of Law No. 11 of 2020 on Job Creation and its implementing regulations, which modernized Indonesia's labour laws. The Government also indicates that the current legal framework regulating working hours and rest periods is Law No. 13 of 2003 on Manpower, as amended by Law No. 6 of 2023.

Article 8(1) and (3). Temporary exemptions from the normal weekly rest. Compensatory rest. Further to its previous comments, the Committee notes the Government's indication that section 79, paragraph 2 of Law No. 13 as amended by Law No. 6 of 2023 provides that employers must grant a minimum of 1 day of rest per week for a 6-day workweek and that this rest period provision is non-negotiable and applies to all employees, even under collective labour agreements. The Committee also notes that section 78 of Law No. 13 as amended in 2023 provides that: (i) employers are allowed to engage workers in excess of the statutory normal hours referred to in Article 77(2) (7 hours per day and 40 hours per week in a 6 days-week or 8 hours per day and 40 per week in a 5 days-week) provided that the workers agree and that overtime hours do not exceed 4 hours per day and 18 hours per week (section 78(1)); (ii) the above provisions on overtime working hours do not apply to certain business sectors or jobs (section 78(3)); and (iii) in case of overtime, employers are required to pay overtime wages (section 78(2)). In this respect, the Committee observes that the above-mentioned section does not specify whether the overtime hours could fall within the weekly rest period, does not indicate the circumstances under which overtime during weekly rest may be used, and does not provide that the hours worked during this period are compensated with time off, independently of any financial compensation. ***The Committee requests the Government to take the necessary measures both in law and in practice to ensure that resort to overtime work during workers' weekly rest period is limited to the circumstances foreseen in Article 8(1) of the Convention and that in case workers are requested to work during their weekly rest periods, they are granted compensatory rest proportional to the time worked, as required in Article 8(3) of the Convention.***

Ireland

Weekly Rest (Industry) Convention, 1921 (No. 14) (ratification: 1930)

Previous comment

Article 5 of the Convention. Compensatory rest period. Further to its previous comments, the Committee notes that the Government refers in its report to section 14 of the Organisation of Working Time Act, 1997, which provides that an employee who is required to work on a Sunday shall be compensated by his or her employer for being required so to work by the following means, namely: (a) by the payment to the employee of an allowance of such an amount as is reasonable having regard to all the circumstances; or (b) by otherwise increasing the employee's rate of pay by such an amount as is reasonable having regard to all the circumstances; or (c) by granting the employee such paid time off from work as is reasonable having regard to all the circumstances; or (d) by a combination of two or more of the means referred to in the preceding paragraphs. The Government also indicates that: (i) if a worker is paid an extra allowance for working on a Sunday instead of being granted extra time off, they will still be entitled to the weekly rest entitlements under the Organisation of Working Time Act; and (ii) if extra time off is granted for working on a Sunday, this will be in addition to the normal weekly rest. Noting the Government's explanation, the Committee observes that section 14 of the above-mentioned Act provides for exclusionary and not cumulative options, which leaves open the possibility that in some cases (mainly under section 14(a), (b) and (c)) work during the weekly rest period is only remunerated without workers actually benefiting from an equivalent period of compensatory rest. The Committee recalls that the Convention requires that each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions of the weekly rest period. ***Recalling the importance for workers' health and well-being of granting compensatory rest of at least 24 hours in cases where a worker is required for whatever reason to perform work on the weekly rest day, the Committee requests the Government to take the necessary measures to ensure that, as far as possible, workers who are deprived of their weekly rest period are granted compensatory rest.***

The Committee is raising other matters in a request addressed directly to the Government.

Lebanon

Hours of Work (Industry) Convention, 1919 (No. 1) (ratification: 1977)

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) (ratification: 1977)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (ratification: 1977)

Previous comment on Convention No. 1

Previous comment on Convention No. 30

Previous comment on Convention No. 106

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on working time, the Committee considers it appropriate to examine Conventions Nos 1 and 30 (hours of work) and 106 (weekly rest in commerce and offices) together.

Hours of work

Article 2 of Convention No. 1 and Articles 3 and 4 of Convention No. 30. Daily and weekly limits of hours of work. Further to its long-standing comments on the lack of a daily limit on hours of work, which the Government had previously indicated would be resolved through amendments to the Labour Code, the Committee notes the Government's reiteration in its report that, while the Labour Code does not fix limits to daily hours of work, section 57 of a draft Labour Code fixes a daily limit of 8 hours of work and a weekly limit of 48 hours of work. The Government also indicates that the new draft Labour Code could

not be passed as soon as desired, due to successive political, economic and social crises. ***Recalling that the Conventions establish a double cumulative limit on normal working hours of 8 hours per day and 48 hours per week (2018 General Survey concerning working-time instruments, paragraph 119), the Committee requests the Government to take the necessary measures, including through the finalization of the labour law reform in consultation with social partners and in the near future, to ensure that a specific daily limit on normal hours of work is established in law and practice. The Committee requests the Government to provide information on the progress made in this regard.***

Weekly rest

Article 8(1) and (3) of the Convention. Temporary exemptions and compensatory rest. Following its previous comments on the non-compliance of section 37 of the Labour Code with *Article 8*, which requires compensatory rest to be granted when temporary exemptions are made, regardless of any monetary compensation, the Committee notes that the Government once again refers to planned amendments of the Labour Code. According to the Government, these amendments would provide that, in emergency situations and for humanitarian and economic considerations, temporary exemptions from weekly rest shall be permitted, provided that the concerned persons are granted compensatory rest periods equal to at least the weekly rest period that they have forfeited. ***The Committee requests the Government to take the necessary measures, including through the finalization of the labour law reform in consultation with social partners, to define the circumstances in which temporary exemptions from weekly rest are allowed and to provide for compensatory rest, in accordance with Article 8 of the Convention. The Committee requests the Government to continue to provide information on the progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Romania

Hours of Work (Industry) Convention, 1919 (No. 1) (ratification: 1921)

Previous comment

Articles 2(b), 2(c), 4 and 5 of the Convention. Variable distribution of working hours within a week and over periods longer than a week. The Committee notes that under section 113, paragraph 2 of the Labour Code (Law No. 53/2003), according to the specific features of the organization or activity performed, an unequal distribution of the working hours is possible provided that the 40 hours work week limit is respected. It also notes that under section 116 of the Labour Code, the unequal work schedule in the framework of the 40 hours work week and/or the compressed work week needs to be negotiated and established in collective labour agreements at the level of the employer or, in its absence, it will be provided in the internal regulations. In this respect, the Committee observes that neither section 113 nor section 116 set a precise daily limit in case of variable distribution of working hours within a week. The Committee recalls that the averaging of hours of work over a reference period of one week is authorized in the Convention provided that a daily limit of nine hours is required *(Article 2(b)*).

Furthermore, the Committee takes note of the Government's indication that under section 114 of the Labour Code, the uneven distribution of hours of work over reference periods of up to 4, 6 and 12 months is authorized. It also notes that the circumstances under which recourse to averaging over periods longer than a week are authorized are not clearly specified. The Committee recalls that according to the Convention, in all the cases in which the averaging of working hours is allowed over reference periods longer than a week, the circumstances and modalities are clearly specified, as follows:

(i) in case of shift work, it shall be permissible to employ persons in excess of 8 hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed 8 per day and 48 per week *(Article 2(c))*;

(ii) in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, the daily and weekly limit of hours of work may be exceeded subject to the condition that the working hours shall not exceed 56 in the week on the average *(Article 4)*; and

(iii) in exceptional cases where it is recognized that the limits of 8 hours a day and 48 hours a week cannot be applied, agreements between workers' and employers' organizations may fix a longer daily limit of work, provided that the average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed 48 *(Article 5)*.

Therefore, the Committee requests the Government to take the necessary measures to bring sections 113, 114 and 116 of the Labour Code in conformity with the regulations of the Convention. The Committee also requests the Government to provide information on the manner in which the above provisions of the Labour Code are applied in the practice, including categories of workers concerned and the number of daily and weekly hours effectively worked.

Articles 3 and 6(1) and (2). Permanent and temporary exceptions to normal working hours. Circumstances. In previous comments, the Committee has noted that neither section 115 nor sections 120 and 121 of the Labour Code, which allow for permanent and temporary exceptions to normal hours of work, precisely define the circumstances under which recourse to these exceptions is authorized. The Committee ***regrets*** to note that in its report the Government limits itself to reiterate the contents of the above-mentioned sections. The Committee recalls that temporary and permanent exceptions to normal hours of work are authorized in *Articles 3* and *6* of the Convention in very limited and well-circumscribed cases (accident, actual or threatened, urgent work to be done to machinery or plant, "force majeure", preparatory or complementary work, intermittent work and exceptional cases of pressure of work). ***Recalling the impact that long hours of work can have on workers' health and work–private life balance, the Committee requests the Government to take the necessary measures to define the exceptional circumstances under which normal hours of work may be permanently/or temporarily increased in industrial establishments, in accordance with these Articles of the Convention.***

Article 6(2). Overtime pay. Further to its previous comments, the Committee notes the Government's indication that additional hours are compensated by paid free hours within the 60 days following the performance of the extra work (section 122, paragraph 1 of the Labour Code); and that if compensation by paid free hours is not possible within the period provided for in the Labour Code, additional hours will be paid in the amount of money established by collective negotiation, and cannot be less than 75 per cent of the base salary. ***Recalling that Article 6(2) of the Convention requires a rate of pay for overtime hours that is 25 per cent higher than the normal pay in all circumstances, whether or not compensatory rest is granted to the worker concerned, the Committee requests the Government to take the necessary measures to comply with this provision of the Convention.***

Russian Federation

Weekly Rest (Industry) Convention, 1921 (No. 14) (ratification: 1967)

Forty-Hour Week Convention, 1935 (No. 47) (ratification: 1956)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (ratification: 1967)

Holidays with Pay Convention (Revised), 1970 (No. 132) (ratification: 2010)

Previous comment on Convention No. 14

Previous comment on Convention No. 47

Previous comment on Convention No. 106

Previous comment on Convention No. 132

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on working time, the Committee considers it appropriate to examine Conventions Nos 14 (weekly rest (industry)), 47 (40-hour week), 106 (weekly rest (commerce and offices)) and 132 (annual holidays with pay) together.

Weekly rest

Articles 4 and 5 of Convention No. 14 and Article 8 of Convention No. 106. Special weekly rest schemes – Temporary exemptions – Compensatory rest. Further to its previous comments on sections 113 and 153 of the Labour Code allowing work to be performed on a weekly rest day in a wide range of circumstances without compensatory rest, the Committee notes that the Government's report does not contain any relevant information on this issue. ***The Committee requests the Government to take the necessary measures to ensure that work on a weekly rest day is authorized only in limited and well-defined circumstances and that employees who may be required to perform work during their weekly rest day, either regularly or temporarily, enjoy a compensatory rest of a total duration of at least 24 hours, irrespective of any monetary compensation, as required by these Articles of the Conventions.***

Hours of work

Article 1 of Convention No. 47. Forty-hour week. In its previous comments, the Committee had noted that: (i) under section 99 of the Labour Code, overtime is allowed not only in the listed temporary and exceptional circumstances, but also in other non-specified situations with the employee's written consent; and (ii) section 104 of the Labour Code allows for the averaging of working hours with a reference period of up to one year. The Committee notes that in its report the Government indicates that overtime is not a systematic practice, but it may occur occasionally in certain cases. The Committee observes that the above-mentioned provisions, which authorize additional hours in unprecise circumstances, as well as the calculation of hours of work as an average over a reference period of up to one year without stipulating absolute weekly limits in a concrete week, could possibly lead to unreasonably long working hours, in direct contradiction to the principle of progressive reduction of hours of work. In this respect, the Committee recalls that too many exceptions to normal hours of work can result in highly variable working hours over long periods, long working days and the absence of compensation (2018 General Survey on working-time instruments, paragraph 68). ***The Committee requests the Government to take the necessary measures to ensure that the principle of a 40-hour week provided for by the Convention is fully applied both in law and in practice.***

Annual leave with pay

Article 4 of Convention No. 132. Proportionate leave. The Committee notes that in response to its previous comments, the Government indicates that sections 291 and 295 of the Labour Code allow proportionate leave at a rate of two working days per month of work for employees with contracts of

up to two months and for those engaged in seasonal work. The Committee however observes that the labour legislation does not provide for the possibility of granting annual paid leave in proportion to the time worked by other employees whose length of service in the first year of employment is less than six months. The Committee recalls that according to *Article 4* of the Convention, workers whose length of service in any year is less than that required for the full holidays with pay entitlement shall be entitled in respect of that year to a holiday with pay proportionate to their length of service during that year**.** ***The Committee requests the Government to take the necessary measures to bring the legislation into conformity with this Article of the Convention.***

Saudi Arabia

Hours of Work (Industry) Convention, 1919 (No. 1) (ratification: 1978)

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) (ratification: 1978)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (ratification: 1978)

Previous comment on Convention No. 1

Previous comment on Convention No. 30

Previous comment on Convention No. 106

Legislative developments. Articles 8(2) of Convention No. 1, 11(3) of Convention No. 30, and 10(2) of Convention No. 106. Law enforcement and penalties. The Committee notes the entry into force of the Ministerial Decision No. 75913 of 3 December 2023, which increases the number of categories of establishments eligible for paying lower penalties and significantly reduces the amount of fines applicable in the event of violation of the provisions on working time with respect to Ministerial Decision No. 92768 of 3 December 2021. The Committee emphasizes the importance of ensuring that effective mechanisms are in place to guarantee compliance with working-time provisions, primarily through labour inspection and the application of dissuasive penalties for non-compliance (2018 General Survey on working-time instruments, paragraph 876). ***The Committee requests the Government to take the necessary measures to ensure that the penalties established in the national legislation for working-time violations (whether they are of an administrative, civil or penal nature) are sufficiently dissuasive to deter violations and are defined in proportion to the nature and gravity of the offence. The Committee also requests the Government to communicate information on the number and nature of penalties (administrative, civil, and penal) assessed and collected. It also refers to its comments made under the Labour Inspection Convention, 1947 (No. 81).***

Article 6(2) of Convention No. 1 and Article 7(3) of Convention No. 30. Limits on additional hours of work. The Committee notes that in response to its previous comments, concerning the yearly limit of 480 hours of overtime established by the Ministerial Order No. 2832 of 2006, the Government indicates in its report that section 106 of the Labour Law provides that in case of temporary exceptions the effective hours of work, including overtime, shall not exceed 10 hours a day and 60 hours a week. It also indicates that it is doing its best to examine the Committee's comments in consultation with relevant bodies and the social partners when undertaking any amendments to labour regulations and statutes, while taking into account the developments which occur in the labour market. The Committee ***regrets*** to note that the Implementing Regulations of the Labour Law and its Annexes, issued by Ministerial Decision No. 70273 of 20 December 2018, present in the official website of the Ministry of Human Resources and Social Development, provides in its section 22 for a yearly overtime limit of 720 hours, which may be increased with the worker's consent. The Committee recalls once again that the maximum number of additional hours, while not specifically prescribed in the Conventions, must be kept within reasonable limits in line with the general goal of the instruments to establish the 8-hour day and the 48-hour week as a legal standard for hours of work in order to protect against undue fatigue and ensure reasonable

leisure and opportunities for recreation and social life (2018 General Survey on working-time instruments, paragraph 119). ***Consequently, the Committee requests the Government to take the necessary measures to ensure that both in law and in practice the limits to overtime are reasonable.***

The Committee is raising other matters in a request addressed directly to the Government.

Serbia

Weekly Rest (Industry) Convention, 1921 (No. 14) (ratification: 2000)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (ratification: 2000)

Previous comment on Convention No. 14

Previous comment on Convention No. 106

In order to provide an overview of all the issues relating to the application of the ratified Conventions on working time, the Committee considers it appropriate to examine Conventions Nos 14 (weekly rest in industry) and 106 (weekly rest in commerce and offices) in a single comment.

The Committee notes the observations of the Trade Union Confederation "Nezavisnost" on the implementation of Convention No 106, communicated with the Government's report. It also notes the observations of the Confederation of Autonomous Trade Unions of Serbia (CATUS) on the implementation of Conventions Nos 14 and 106 communicated with the Government's report.

Article 2(1), (2) and (3) of Convention No. 14 and Article 6(1), (2) and (3) of the Convention No. 106. Right to weekly rest. Uniformity of weekly rest. Respect of traditions and customs. The Committee notes that in reply to the previous comments of "Nezavisnost", the Government indicates in its report that following amendments to the Labour Law in 2014, section 67 stipulates that the employee has the right to a weekly rest period of at least 24 continuous hours, which, as a rule, should be taken on Sundays. The Committee notes that in its observations, "Nezavisnost" reiterates its previous indication according to which, despite section 67 of the Labour Law provides for a weekly rest of no less than 24 consecutive hours, in practice, overtime is required so frequently that it prevents workers from exercising their right to weekly rest. According to "Nezavisnost", such work is often misleadingly referred to by employers as "redistribution of working hours" and is often recorded as "volunteering". For its part, the CATUS indicates that, while section 67(2) sets Sunday rest as a rule, this is commonly disregarded in the trade sector. It also indicates that despite having submitted several initiatives on the legal prohibition of work on Sundays and national holidays in the trade sector to various governmental bodies since 2016, no concrete action has been taken to address them. Furthermore, recent amendments to the Labour Law in 2014, 2017 and 2018 were made without consulting trade unions, thus failing to align with their goals. The Committee recalls that the principle of uniformity enshrined in *Article 2(2)* of Convention No. 14 and *Article 6(2)* of Convention No. 106 refers to the collective character of weekly rest with a view to ensuring, wherever possible, that it is taken at the same time by all workers on the day established by tradition or custom. The social purpose of this principle is to enable workers to take part in community life and in the special forms of recreation available on certain days (2018 General Survey on working-time instruments, paragraph 202). ***The Committee requests the Government to provide its comments with respect to the observations of "Nezavisnost" and CATUS and to take the necessary measures to ensure the application in practice of the principles enshrined in Article 2 of Convention No. 14 and Article 6 of Convention No. 106.***

Article 10 of Convention No. 106. Adequate inspection – Penalties. In reply to its previous comments on the lack of provisions in the Labour Law on sanctions in the event of non-compliance with sections 55 and 56 on hours of work, the Committee notes that the Government refers to: (i) section 269 of the Labour Law, which empowers labour inspectors to issue decisions mandating employers to remedy violations within a specified time frame and established the obligation of employers to inform the labour

inspection of compliance within 15 days after the deadline expires; (ii) section 273 which prescribes a penal provision for not acting on the mentioned decisions of the labour inspectors. The Committee also notes that in its observations, the CATUS indicates that the sections referred to by the Government are not an adequate and effective sanction for non-compliance with sections 55 and 56 of the Labour Law. In this sense, the Committee observes that section 269 referred to by the Government does not specifically refer to sanctions. The Committee also notes that the CATUS indicates that: (i) the Government should consider appropriate measures for ensuring proper implementation of legal provisions regarding weekly rest including through adequate inspection mechanisms and effective sanctions for violations of Labour Law provisions on overtime work; (ii) employers generally do not comply with the requirement to formally notify employees of extended working-time schedules and neglect their record-keeping obligations; (iii) there is need for enhanced regulation of working time records under Labour Law given the inadequate application of existing regulations. Furthermore, in its observations, "Nezavisnost" indicates that it maintains its previous comments according to which the labour inspectorate is not effectively detecting infringements of the working-time legislation and imposing sanctions, as the inspectors do not exercise their powers to initiate inspections but only respond to complaints. ***The Committee requests the Government to provide its comments in this respect. It once again requests the Government to adopt appropriate measures to ensure the proper administration of legal provisions concerning weekly rest, especially by means of adequate inspection and effective sanctions. The Committee refers to its comments under the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).***

The Committee is raising other matters in a request addressed directly to the Government.

Slovakia

Hours of Work (Industry) Convention, 1919 (No. 1) (ratification: 1993)

Previous comment

Article 2(b) and (c), and Articles 4 and 5 of the Convention. Averaging schemes. Following its previous comments, the Committee notes that: (i) section 87(1) of the Labour Code allows employers and workers, or their representatives, to agree on schemes to distribute working time unevenly over periods of up to four months; (ii) under sections 87(2) and (4) of the Labour Code averaging schemes can be concluded by collective agreement or by agreement between the employers' and workers' representatives, for periods of up to 12 months and daily working hours under such schemes cannot be longer than 12 hours; (iii) under section 87a of the Labour Code, working time accounts can be established, which, in effect, allow for the averaging of working hours with an average of 48 hours per week over a period of 12 months; and (iv) section 88 of the Labour Code allows for flexible hours arrangements under which a daily work shift can last 12 hours. In this respect, the Committee observes that none of these provisions sets any precise circumstances under which resort to averaging of working hours is allowed. The Committee recalls that the averaging of hours of work in general is authorized in the Convention only over a reference period of one week, and provided that a daily limit of nine hours is required *(Article 2(b))*; and that in all the other cases in which the averaging of working hours is allowed over reference periods longer than a week, the circumstances are clearly specified, as follows:

(i) in case of shift work, it shall be permissible to employ persons in excess of 8 hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed 8 per day and 48 per week *(Article 2(c));*

(ii) in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, the daily and weekly limit of hours of work may be exceeded subject to the condition that the working hours shall not exceed 56 in the week on the average *(Article 4)*; and

(iii) in exceptional cases where it is recognized that the limits of 8 hours a day and 48 hours a week cannot be applied, agreements between workers' and employers' organizations may fix a longer daily limit of works, provided that the average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed 48 *(Article 5).*

The Committee also recalls that calculating hours of work as an average over a reference period of up to one year allows for too many exceptions to normal hours of work and can result in highly variable working hours over long periods, long working days and the absence of compensation (2018 General Survey on working-time instruments, paragraph 68). ***Accordingly, the Committee requests the Government to take the necessary measures to bring the above-mentioned provisions of the Labour Code into conformity with the requirements of the Convention for the categories of workers under its scope of application. The Committee also requests the Government to provide information on the manner in which those provisions of the Labour Code are applied in practice, including the categories of workers concerned and the number of daily and weekly hours effectively worked.***

Articles 3 and 6. Temporary exceptions. 1. *Limits to overtime.* Following its previous comments on section 97(5) of the Labour Code, which allows overtime to be imposed for reasons of public interest, the Committee notes the Government's indication in its report that "public interest" is not used in the private sector as a justification to impose overtime and that the term is interpreted very narrowly.

In response to the Committee's previous comments on section 97(10) of the Labour Code, which authorizes a maximum of 400 hours of overtime per calendar year, the Government indicates that only 150 hours of those overtime hours can be imposed by employers, pursuant to section 97(7) of the Labour Code and the remaining number of hours of overtime permitted per year would be at the initiative of the worker themselves. In this regard, the Committee recalls the impact that long hours of work can have on workers' health and work–private life balance, and emphasize the fundamental importance of keeping the number of additional hours allowed within reasonable limits that take into account both the health and well-being of workers, and the employers' productivity needs. ***The Committee requests the Government to take the necessary measures to bring section 97(10) of the Labour Code into conformity with the Convention for the categories of workers under its scope of application, in consultation with social partners. It also requests the Government to provide further information on the application in practice of the provisions on overtime to workers in the country.***

2. *Compensation for overtime.* Following its previous comments on section 121(3) of the Labour Code, pursuant to which an employee may choose to receive time off in compensation for overtime hours, the Committee notes the Government's indication that this provision has not caused any issues in practice in the country, and that, on the contrary, compensatory leave ensures the regeneration of the workforce, which contributes to the safety and health protection of employees. The Committee nevertheless recalls that, as it has underlined in its 2018 General Survey on working-time instruments, paragraph 158, it is important for additional hours to be in all cases remunerated and paid at a higher rate than normal hours, even in the cases where compensatory time off is granted. ***Accordingly, the Committee requests the Government to indicate the measures taken or envisaged to bring section 121(3) of the Labour Code into conformity with Article 6(2) of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Slovenia

Weekly Rest (Industry) Convention, 1921 (No. 14) (ratification: 1992)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (ratification: 1992)

Previous comment on Convention No. 14

Previous comment on Convention No. 106

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on working time, the Committee considers it appropriate to examine Conventions Nos 14 (weekly rest (industry)) and 106 (weekly rest (commerce and offices)) together.

Article 4 of Convention No. 14 and Article 7 of Convention No. 106. Special weekly rest schemes. Further to its previous comments, the Committee notes the Government's indication in its report that there have been no legislative changes with respect to section 158(2) of the Employment Relationships Act, which allows for the accumulation of the weekly rest entitlement over a maximum period of six months in the case of shift work or in anticipation of a certain amount of irregular work or additional workload. The Committee recalls that, in accordance with the objective of the Conventions, workers who may be subject to special weekly rest schemes should not be deprived for unreasonably long periods (no more than three weeks, according to Paragraph 3 of the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)) of the weekly rest periods to which they are entitled, as it is commonly accepted that a minimum of rest and leisure every week is essential for workers' health and well-being (2018 General Survey on working-time instruments, paragraphs 249 and 252). ***The Committee requests the Government to take the necessary measures to bring section 158(2) of the Employment Relationships Act in conformity with the Conventions, and to ensure that in practice all workers are granted compensatory rest of at least 24 hours in cases where they are required for whatever reason to perform work on the weekly rest day.***

Spain

Hours of Work (Industry) Convention, 1919 (No. 1) (ratification: 1929)

Weekly Rest (Industry) Convention, 1921 (No. 14) (ratification: 1924)

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) (ratification: 1932)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (ratification: 1971)

Holidays with Pay Convention (Revised), 1970 (No. 132) (ratification: 1972)

Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) (ratification: 1985)

Previous comment on Convention No. 1

Previous comment on Convention No. 14

Previous comment on Convention No. 30

Previous comment on Convention No. 106

Previous comment on Convention No. 132

Previous comment on Convention No. 153

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on working time, the Committee considers it appropriate to examine Conventions Nos 1 (hours of work in industry), 14 (weekly rest in industry), 30 (hours of work in commerce and offices), 106

(weekly rest in commerce and offices), 132 (holidays with pay), and 153 (hours of work and rest periods in road transport) in a single comment.

The Committee notes the joint observations of the Spanish Confederation of Employers' Organizations (CEOE) and the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME), and the observations of the Trade Union Confederation of Workers' Commissions (CCOO), on Conventions Nos 1, 14, 30, 106, 132 and 153, sent with the Government's report, and also the Government's reply to these observations on Conventions Nos 1, 14, 30, 106 and 132.

Hours of work

Article 2 of Convention No. 1 and Article 3 of Convention No. 30. Limits on normal daily and weekly hours of work. With regard to daily and weekly limits on normal hours of work, the Committee notes the CCOO's indication in its observations that: (i) section 34(1) of Royal Legislative Decree 2/2015 of 23 October 2015, adopting the consolidated text of the Workers' Statute (hereinafter the Workers' Statute), defines the maximum duration of ordinary working time as 40 hours per week, in terms of averaging over a whole year, but does not establish the maximum number of hours of work which can be performed by a worker in an actual week; (ii) the only limits on working time are the rest period of at least 12 hours between working days (section 34(3) of the Workers' Statute) and the minimum weekly rest period of one and a half uninterrupted days which can be cumulated over periods of up to 14 days (section 37(1) of the Workers' Statute); and (iii) section 34(3) of the Workers' Statute prescribes a daily maximum of nine hours of work which can be modified through a collective agreement or, failing that, by an agreement between the enterprise and the workers' representatives, provided that the minimum 12-hour rest period between working days is observed.

The Committee notes the Government's indication, in reply to the CCOO's observations, that under section 34 of the Workers' Statute, the weekly limit exists but is averaged over a period of a year and so it can be exceeded in individual weeks and made up for subsequently under the terms of a collective agreement or, failing that, an agreement between the enterprise and the workers' representatives, provided that the minimum daily and weekly rest periods (regardless of any overtime worked) are respected. In this regard, the Committee observes that: (i) the 40-hour weekly limit established in section 34(1) of the Workers' Statute represents only an average of hours during an annual reference period and is not an absolute limit on hours worked in an actual week; (ii) the nine-hour limit on normal daily working time established in section 34(3) of the Workers' Statute can be changed through a collective agreement or by an agreement between the enterprise and the workers' representatives; and (iii) the absolute limit of 12 hours of work per day established in section 34(3) of the Workers' Statute is not a limit on normal working hours but on total hours (including overtime). The Committee recalls that the Conventions set out a double limit (8 hours per day and 48 hours per week) on normal hours of work, and that this limit is cumulative and not alternative (2018 General Survey on working-time instruments, paragraph 176). The Committee also recalls that this absolute limit should not be confused with the averaging of daily and weekly working hours, which is authorized only in certain exceptional cases. ***The Committee requests the Government to take the necessary steps to ensure in both law and practice that normal hours worked in an actual day or week do not exceed 8 hours per day or 48 hours per week, in accordance with these Articles of the Conventions.***

Articles 2(c), 4 and 5 of Convention No. 1 and Articles 4 and 6 of Convention No. 30. Variable distribution of normal daily and weekly hours of work. Further to its previous comments, the Committee notes the Government's indication in its report that while the two major limits on working time established in the national legislation are observed (namely, 40 hours per week averaged over the year and a 12-hour minimum rest period between two working days – section 34(1) and (3) of the Workers' Statute), the parties are free to determine the distribution of working hours throughout the year, by means of a collective agreement or an agreement between the enterprise and the workers' representatives. The Committee notes the CCOO's indication in its observations that: (i) section 34(2) of the Workers' Statute

does not stipulate that the forms in which working hours are distributed shall be applied only in exceptional cases; (ii) section 41(1) of the Workers' Statute allows the employer to make unilateral changes, among other conditions of work, to working time, schedules, distribution of working time and rules regarding shift work, if there are proven economic, technical, organizational or production-related grounds; (iii) the Workers' Statute does not establish precisely what constitutes these grounds. The Committee recalls that in general terms the Conventions only authorize the averaging of working hours over a reference period of one week and on condition that the daily limits of nine or ten hours are not exceeded (*Article 2(b)* of Convention No. 1 and *Article 4* of Convention No. 30); and that in all other cases where the averaging of working hours over periods of more than one week is allowed on an exceptional basis, the circumstances must be clearly specified, as follows:

- where persons are employed in shifts, working time may exceed 8 hours in a day and 48 hours in a week provided that the average number of hours over a period of three weeks or less does not exceed 8 per day and 48 per week (*Article 2(c)* of Convention No. 1);
- the daily and weekly limits on working time may also be exceeded in work which, by reason of its nature, is required to be carried on continuously by a succession of shifts, on condition that the average working hours do not exceed 56 in the week (*Article 4* of Convention No. 1);
- in exceptional cases where it is recognized that the limits of 8 hours per day and 48 hours per week cannot be applied, agreements between workers' and employers' organizations can fix a longer limit on daily working hours provided that the average weekly working time, calculated for the number of weeks specified by these agreements, does not exceed 48 hours per week (*Article 5* of Convention No. 1) and daily working time does not exceed 10 hours in any day (*Article 6* of Convention No. 30).

The Committee therefore requests the Government to take the necessary steps to bring its law and practice into conformity with these Articles of the Conventions.

Articles 3 and 6(1) of Convention No. 1 and Article 7(1) and (2) of Convention No. 30. Exceptions to normal hours of work. Circumstances. Further to its previous comments, the Committee notes the Government's indication that, under the general regulations, overtime work is voluntary, unless otherwise established in a collective agreement or an employment contract (section 35(4) of the Workers' Statute). The Committee notes the CCOO's indication in its observations that the voluntary performance of overtime and the compulsory working of hours agreed upon via a collective agreement or individual employment contract go beyond the scenarios established by the Conventions. In this regard, the Committee observes that section 35 of the Workers' Statute regulating overtime does not include a precise list of the circumstances in which overtime is permitted. The Committee recalls that the temporary exceptions to normal hours of work are permitted in the Conventions in very limited cases and in specific circumstances. ***The Committee requests the Government to take the necessary steps to bring its law and practice into conformity with these provisions of the Conventions.***

Article 6(2) of Convention No. 1 and Article 7(3) of Convention No. 30. Limits on the number of additional hours. Further to its previous comments, the Committee notes the Government's indication that the amount of overtime may not exceed 80 hours per year (section 35(2) of the Workers' Statute). The Committee also notes the CCOO's indication in its observations that the limit of 80 overtime hours per year does not cover hours compensated for through rest in the four months after the work has been done or hours worked to prevent accidents or repair damage resulting from accidents or other types of damage. In this regard, the Committee recalls the fundamental importance of prescribing clear statutory limits for additional hours of work and of keeping the number of additional hours allowed within reasonable limits that take into account both the health and well-being of workers, and the employers' productivity needs (2018 General Survey on working-time instruments, paragraphs 151 and 179). ***The Committee requests the Government to take the necessary steps to bring its law and practice into conformity with these Articles of the Conventions.***

Article 6(2) of Convention No. 1 and Article 7(4) of Convention No. 30. Compensation for additional hours of work. Further to its previous comments, the Committee notes the Government's indication that the legislation proposes two alternatives to be established by collective agreement or employment contract: (i) compensating for overtime worked by means of equivalent periods of rest; in the absence of an agreement, it shall be understood that overtime worked must be compensated for by rest within the four months following the period of overtime; or (ii) remunerating overtime up to an amount to be fixed by collective agreement or employment contract, which in any case shall not be less than the remuneration for normal working hours (section 35(1) of the Workers' Statute). The Committee notes the CCOO's indication in its observations that section 35(2) of the Workers' Statute, which provides that remuneration for overtime shall under no circumstances be less than that for normal working hours, violates the provisions of the Convention since it does not prescribe at least 25 per cent more than normal pay rates. In this regard, the Committee recalls the need to provide, in all circumstances, for the payment of overtime at no less than 125 per cent of the ordinary wage rate, irrespective of any compensatory rest granted (2018 General Survey on working-time instruments, paragraph 158). ***The Committee requests the Government to take the necessary steps to ensure that in both law and practice the payment of overtime hours is guaranteed at no less than 125 per cent of the ordinary wage rate, irrespective of any compensatory rest granted, in accordance with Article 6(2) of Convention No. 1 and Article 7(4) of Convention No. 30.***

Application in practice. ***The Committee requests the Government to provide examples (collective agreements, enterprise agreements, statistics, etc.) of the manner in which it is ensured in practice that the provisions of the Conventions are respected regarding the limits on normal hours of work of 8 hours per day and 48 hours per week in a given week, averaging of hours of work, and overtime hours, in the sectors covered by the Conventions.***

Weekly rest

Follow-up to the recommendations of the Tripartite Committee (representation under article 24 of the ILO Constitution)

The Committee notes that in November 2016 the Governing Body approved the report of the Tripartite Committee set up to examine the representation made in 2014 by the Independent Judicial Forum professional association (document GB.328/INS/17/9).

Article 7(2) of Convention No. 106. Permanent exceptions. Compensatory rest. The Committee notes that the Tripartite Committee in its report requested the Government to ask the General Council of the Judiciary to: (i) inform the social partners about the additional measures adopted to ensure that, in practice, judges in judicial districts with only one court of first instance and preliminary investigation benefit from the weekly rest established under the Convention; and (ii) assess the impact of the new system of substitutions on the right to weekly rest for judges, and to inform the social partners, in order to ensure that in practice they benefit from the equivalent of a minimum of 24 hours of rest for every seven days worked, in accordance with the Convention. The Committee observes that the Government's report does not contain any relevant information in this respect. ***The Committee requests the Government to provide the detailed information previously requested by the Tripartite Committee.***

Article 2(1) of Convention No. 14 and Article 6(1) of Convention No. 106. Minimum weekly rest period. Further to its previous comments regarding section 37(1) of the Workers' Statute, the Committee notes the Government's indication that the aforementioned section prescribes a minimum weekly rest period which exceeds that provided for in the Conventions, namely, one and a half days, and two days for persons under 18 years of age; and (ii) in order to provide the necessary flexibility for both enterprises and workers, the possibility is established for this rest period to be accumulated over a maximum period of 14 days. The Committee also notes the CCOO's indication in its observations that the above-mentioned section allows the continuous, uninterrupted provision of services for periods longer than seven days as a general principle, regardless of whether or not the conditions for exceptions provided

for in the Conventions are met. The Committee observes that section 37(1), which provides that workers shall have the right to minimum weekly rest – which can be accumulated over periods up to 14 days – of one and a half uninterrupted days, establishes a general rule and does not refer to exceptional cases within the meaning of *Article 4* of Convention No. 14 and *Article 7* of Convention No. 106. ***The Committee once again requests the Government to take the necessary steps, including amendment of section 37(1) of the Workers' Statute, to ensure in both law and practice that all workers enjoy minimum rest of 24 consecutive hours for each seven-day period actually worked, as required by these Articles of the Conventions. The Committee also requests the Government to provide examples of the manner in which the above-mentioned section of the Workers' Statute is applied in practice.***

Holidays with pay

Article 8 of Convention No. 132. Division of annual holiday with pay into parts. Minimum period of two uninterrupted weeks. Further to its previous comments, the Committee notes the Government's indication that: (i) paragraph 9(3) of the Decision of 28 February 2019 of the State Secretariat for the Civil Service establishes that holidays shall be taken in minimum periods of five consecutive working days and (ii) paragraph 9(4) of that Decision stipulates that at least half (11 working days) of the total annual holiday must be taken between 16 June and 15 September, unless the work calendar fixes other periods because of the particular nature of the services provided in the respective sphere. The Committee also notes the CCOO's indication in its observations that paragraph 9(4) of the above-mentioned Decision does not guarantee that one of the possible divisions of the annual holiday period shall have a minimum duration of two uninterrupted working weeks but merely regulates the dates between which the annual holiday must be taken and not the uninterrupted minimum holiday periods, which are regulated by paragraph 9(3). ***The Committee once again requests the Government to take the necessary steps to ensure in both law and practice that one of the divisions of holidays for public employees in the General Administration of the State and its public bodies consists of at least two uninterrupted working weeks.***

Hours of work and rest periods in road transport

Article 2 of Convention No. 153. Exclusions from the scope of application. The Committee notes the CCOO's indication in its observations that: (i) some of the exclusions established in section 2 of Royal Decree 640/2007 of 18 May 2007, establishing exceptions to the binding regulations regarding driving time and rest periods and the use of tachographs in road transport, go beyond the possible exceptions provided for in *Article 2* of the Convention; (ii) no limits or regulations have been laid down regarding driving time or rest periods for these exceptions, which violates *Article 2(2)* of the Convention; and (iii) Royal Decree 1082/2014 of 19 December 2014, concerning special cases for the application of regulations relating to driving time and rest periods in road transport on islands whose surface area does not exceed 2,300 km^2, which lays down specific regulations, significantly worsens working conditions. The Committee observes that transport relating in particular to the following categories is excluded from the scope of application of Royal Decree 640/2007: (i) provision of services relating to sewage, flood protection and water supplies, among others; (ii) circus equipment and fairground attractions; (iii) mobile exhibitions; (iv) cash or valuables; (v) electric or gas-propelled vehicles; (vi) special construction vehicles; (vii) transport in Ceuta and Melilla or on islands with a surface area less than 250 km^2; and (viii) empty runs necessary before or after one of the activities covered by an exception. The Committee also notes that, under section 2 of Royal Decree 1082/2014, in road transport undertaken exclusively on islands with a surface area over 250 km^2 and not more than 2,300 km^2, the following factors apply: (i) reduced weekly rest periods may be applied for three weeks following one week containing a normal weekly rest period; (ii) a daily rest period can be taken in two or three separate periods, one of which cannot be less than eight uninterrupted hours and none of which can be less than one hour; and (iii) a continuous rest break can be replaced by two or three breaks, interspersed with the driving time or occurring immediately after it. The Committee recalls that only persons who drive vehicles engaged in the types of transport specified in *Article 2(1)* of the Convention can be excluded

from the scope of application of the Convention and that adequate standards concerning driving time and rest periods of excluded drivers must be laid down *(Article 2(2))*. ***The Committee requests the Government to take the necessary steps to ensure that adequate standards concerning driving time and rest periods are applied to drivers excluded from the scope of the legislation referred to above, in accordance with Article 2 of the Convention.***

Articles 5, 6 and 7. Limits on driving time. The Committee notes the CCOO's indication in its observations that the national legislation: (i) allows up to four and a half hours of continuous driving instead of the four hours established by the Convention; (ii) provides for up to ten hours of daily driving time rather than the nine hours prescribed in *Article 6* of the Convention, without any connection with an exceptional situation or a situation of force majeure; (iii) prescribes a break for working days of more than six hours, while the Convention establishes the right to a break after five consecutive hours of work; and (iv) does not provide for any reduction in driving time when carried out under particularly difficult conditions. In this regard, and with reference to its previous comments, the Committee observes that Royal Decree 1561/1995 of 21 September 1995, concerning special working hours, establishes maximum continuous driving time of four and a half hours and a daily driving time limit of nine hours, which can be extended to ten hours twice a week (section 11). The Committee also observes that this Decree does not lay down a 48-hour weekly limit apart from average working hours, and does not stipulate that driving time must be reduced in particularly difficult conditions. The Committee further observes that section 10bis(4) provides that working days of more than six hours must contain a break, but does not state that a break has to be taken after five continuous hours of work. The Committee recalls that: (i) the maximum continuous driving time is four hours and this can only be exceeded by a maximum of one hour on account of particular national conditions, in accordance with *Article 5(1)* and *(2)* of the Convention; (ii) the maximum total driving time, including overtime, must not exceed either nine hours per day or 48 hours per week *(Article 6(1))*. The maximum driving time may be calculated as an average over a number of days or weeks to be determined by the competent authority or body *(Article 6(2))*; (iii) the maximum total driving time must be reduced in the case of transport activities carried out in particularly difficult conditions *(Article 6(3))*; and (iv) drivers shall be entitled to a break after five continuous hours of work *(Article 7)*. ***The Committee requests the Government to take the necessary steps to bring its law and practice into conformity with Articles 5, 6 and 7 of the Convention.***

Article 11. Inspection and penalties. Application in practice. The Committee notes the statistical data provided by the Government on the results of the activity of the Labour and Social Security Inspectorate (ITSS) with respect to working time, including overtime hours, in the road transport sector for the 2018–22 period, in relation to: (i) operations conducted; (ii) violations recorded and penalties imposed; (iii) compliance orders; and (iv) mediation and consultation. ***The Committee requests the Government to continue providing statistical information on the results of the activity of the ITSS with respect to working time in the road transport sector.***

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 1** *Comoros, Djibouti, Ghana, Guatemala, Lebanon, Saudi Arabia, Slovakia, Syrian Arab Republic;* **Convention No. 14** *Czechia, Djibouti, Ghana, Guatemala, Honduras, Ireland, Romania, Rwanda, Saint Lucia, Saudi Arabia;* **Convention No. 30** *Ghana, Guatemala, Lebanon, Saudi Arabia, Syrian Arab Republic;* **Convention No. 47** *Sweden;* **Convention No. 52** *Comoros, Djibouti, Lebanon, Libya, Slovakia;* **Convention No. 89** *Comoros, Djibouti, Ghana, Guatemala, Guinea, Lebanon, Libya, Saudi Arabia, Syrian Arab Republic;* **Convention No. 101** *Djibouti, Saint Lucia;* **Convention No. 106** *Djibouti, Ghana, Guatemala, Honduras, Lebanon, Saudi Arabia, Serbia;* **Convention No. 132** *Rwanda, Serbia, Slovenia;* **Convention No. 171** *Czechia, Slovakia;* **Convention No. 175** *Guatemala, Guyana, Kazakhstan, Slovenia.*

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 14** *Sweden;* **Convention No. 52** *Georgia;* **Convention No. 89** *Romania, Rwanda, Serbia, South Africa;* **Convention No. 101** *Guatemala;* **Convention No. 132** *Czechia, Germany, Sweden;* **Convention No. 171** *Slovenia;* **Convention No. 175** *Russian Federation, Sweden.*

Occupational safety and health

Plurinational State of Bolivia

Asbestos Convention, 1986 (No. 162) (ratification: 1990)

Safety and Health in Construction Convention, 1988 (No. 167) (ratification: 2015)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified occupational safety and health (OSH) Conventions, the Committee considers it appropriate to examine Conventions Nos 162 (asbestos) and 167 (OSH in construction) together.

Protection against specific risks

Asbestos Convention, 1986 (No. 162)

Articles 3 and 4 of the Convention. Legislation and consultation. Further to its previous comments, the Committee notes that the Government once again refers to the OSH management programmes, to the General Act on Occupational Safety, Health and Welfare, adopted by Legislative Decree No. 16998 of 2 August 1979, and to Supreme Decree No. 2936 of 2016, regulating Act No. 545 of 14 July 2014, on safety in construction. The Committee notes that neither the management programmes nor the standards referred to contain specific regulations on asbestos. However, the Committee notes the following: (i) the Regulation on air pollution of 8 December 1995 classifies asbestos as a carcinogenic substance and includes it in the list of hazardous pollutants to be considered in the preparation of air emission inventories (Annex 3); (ii) the Environmental Regulation for the industrial manufacturing sector, adopted by Supreme Decree No. 26736 of 30 July 2002, considers asbestos an extremely hazardous substance (Annex 10-A) and includes asbestos in fine dust form among the carcinogenic substances (particularly chrysotile, crocidolite, amosite, anthophyllite, actinolite and tremolite with less than 2.5 micrometres) to be considered in the preparation of air emission inventories (Annex 12-A); and (iii) the Environmental Regulation for mining activities, adopted by Supreme Decree No. 24782 of 31 July 1997, stipulates that asbestos in all its chemical forms is considered a hazardous pathogenic substance (Annex I). In this regard, the Committee once again recalls that the resolution concerning asbestos, adopted by the 95th Session of the International Labour Conference in June 2006, considered that all forms of asbestos are classified as known human carcinogens and stated that the elimination of the future use of asbestos and the identification and proper management of asbestos currently in place are the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths. ***The Committee requests the Government to ensure that national legislation prescribes specific measures, not only for the industrial manufacturing and mining sectors, to: (i) prevent and control health hazards due to occupational exposure to asbestos; and (ii) protect workers against such risks. The Committee also requests the Government to guarantee consultation with the most representative organizations of employers and workers concerned, with regard to such measures, in accordance with Article 4 of the Convention.***

Articles 9, 10, 11 and 12. Measures by law or regulation to prevent or control exposure to asbestos, including replacement or prohibition. Prohibition of the use of crocidolite and spraying. Further to its previous comments, the Committee notes the Government's reference to Technical Safety Standard (NTS) 009/23, adopted by Ministerial Decision No. 992/23, of 9 July 2023, on the submission of the OSH management programme and once again refers to NTS 008/17, adopted by Ministerial Decision No. 387/17, of 17 May 2017, on work in confined spaces in relation to exposure limits. The Committee notes that these standards do not specifically regulate asbestos. However, the Committee notes the following: (i) section 61 of the Environmental Regulations for the industrial manufacturing sector sets

out that the industry shall take steps to replace or minimize the use of the substances identified as extremely hazardous in Annex 10-A, which include asbestos; and (ii) in accordance with Annex 12-A of the Regulations, fine dust asbestos of less than 2.5 micrometres, including crocidolite, is considered a carcinogenic and extremely dangerous substance. ***The Committee requests the Government to take the necessary measures to ensure that the national legislation gives full effect to Articles 9 and 10 (measures by law or regulation for prevention or control), 11 (prohibition of crocidolite) and 12 (prohibition of spraying) of the Convention in all sectors and industries.***

Article 15(3). Measures to prevent or control the release of asbestos dust and to ensure compliance with exposure limits. Further to its previous comments, the Committee notes that the Government refers to Ministerial Decision No. 1444/23 of 26 September 2023, adopting the General Regulations on Labour Inspection. The Committee also notes that the Environmental Regulations for the industrial manufacturing sector set out that: (i) processes that emit gases, particulate matter and vapours will be considered as a priority (section 65); (ii) the industry is responsible for the prevention and control of pollution generated by its emissions, and must take steps to replace fuels with those that minimize the generation of particulate matter emissions (section 66); (iii) the industry must comply with the permissible limits for pollutant emissions set out in Annex 12-A, which include fine dust asbestos; and (iv) self-monitoring should be carried out at least annually of any element generated by their activities in the form of emissions (section 69). ***The Committee requests the Government to: (i) take the necessary measures to ensure that exposure to asbestos is reduced to as low a level as is reasonably practicable in all sectors and industries, not only in manufacturing; and (ii) provide information on the specific measures taken by labour inspection to ensure compliance in practice with asbestos exposure limits.***

Article 16. Practical measures taken by the employer for the prevention and control of exposure. Further to its previous comments, the Committee notes that, while the Government refers to the General Regulations on Labour Inspection with regard to OSH technical inspections, it has not provided information on the obligation of each employer to establish and apply practical measures for the prevention and control of the exposure of the workers that they employ to asbestos, in accordance with *Article 16.* The Committee notes that the Environmental Regulations for the manufacturing industry sector and the Environmental Regulations for mining activities provide for certain obligations relating to prevention and control of dangerous substances, which include asbestos. ***The Committee requests the Government to take specific measures to ensure that employers are responsible for the establishment and implementation of practical measures for the prevention and control of the exposure to asbestos of the workers they employ and for their protection against the hazards due to asbestos, in all sectors and industries, not only the manufacturing and mining sectors.***

Article 20(2), (3) and (4). Keeping records of the monitoring of the working environment. Access to such records. Right to request the monitoring of the working environment. Further to its previous comments, the Committee notes the Government's indication that, pursuant to NTS 009/23, within the framework of the submission of the OSH management programme, the employer must conduct health surveys and/or monitoring, where appropriate, concerning the chemical pollutants in the working environment and suspended particulate matter. The surveys and monitoring are valid for one year. However, the Government notes that NTS 009/23 does not provide for a minimum preservation period for the surveys or monitoring, nor the right of workers and their representatives to access and request such supervision. ***The Committee once again urges the Government to take specific legislative or other measures without delay to ensure that: (i) the records of the monitoring of the working environment and of the exposure of workers to asbestos are kept for a period prescribed by the competent authority (Article 20(2)); (ii) the workers concerned, their representatives and the inspection services have access to these records (Article 20(3)); and (iii) the workers or their representatives have the right to request supervision of the working environment and to appeal to the competent authority concerning the results of the supervision (Article 20(4)).***

Article 21(3) and (4). Information on medical examinations. Other means of maintaining income when assignment to work involving exposure to asbestos is inadvisable. ***The Committee once again requests the Government to adopt specific measures without delay to ensure that: (i) workers are informed in an adequate and appropriate manner of the results of their medical examinations and receive individual advice concerning their health in relation to their work (Article 21(3)); and (ii) when continued assignment to work involving exposure to asbestos is found to be medically inadvisable, every effort is made, consistent with national conditions and practice, to provide the worker concerned with other means of maintaining their income (Article 21(4)).***

Protection in specific branches of activity

Safety and Health in Construction Convention, 1988 (No. 167)

Article 12(2) of the Convention. Obligation of the employer to take immediate steps to stop the operation and evacuate workers Further to its previous comments, the Committee notes that the Government once again refers to the provisions of Supreme Decree No. 2936, and the obligations concerning fire drills provided for in the General Act on Occupational Safety, Health, and Welfare, and the obligation to draw up an emergency plan under NTS 009/23. The Committee notes, however, that none of these provisions set out the obligation to stop the operation and evacuate workers where there is an imminent and serious threat to their safety. ***The Committee once again requests the Government to adopt, without delay, the necessary legislative or other measures to ensure that employers are specifically obliged to take immediate steps to stop the operation and evacuate workers as appropriate, where there is an imminent and serious danger to their safety.***

The Committee is raising other matters in a request addressed directly to the Government.

Comoros

White Lead (Painting) Convention, 1921 (No. 13) (ratification: 1978)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Articles 1, 2 and 3 of the Convention. Prohibition of the use of white lead and sulphate of lead in the internal painting of buildings. The Committee notes the information provided by the Government in its report that there are no specific provisions in national legislation applying the Convention, but that the Labour Code contains general indications in this respect. ***The Committee hopes that the Government, in its next report, will be able to provide detailed information on the measures taken in law and practice to regulate the use of white lead and sulphate of lead and of all products containing these pigments, in accordance with the provisions of the Convention.***

Application in practice. The Committee notes the Government's indication that there is no report of the inspection services which would provide information on the manner in which the Convention is applied in practice or which would provide statistical data relating to it. ***The Committee requests the Government to provide information when it is available on the application of the Convention in practice, including statistical information on cases of lead poisoning among working painters, indicating, in particular, morbidity and mortality due to lead poisoning.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Ghana

Radiation Protection Convention, 1960 (No. 115) (ratification: 1961)

Previous comment

Articles 6(2) and 7(2) of the Convention. Dose limits in occupational exposure and dose limits for persons between 16 and 18 years of age. Following its long-standing comments on this matter, the Committee notes the Government's indication that there are currently no set maximum permissible doses with respect to the lens of the eye for radiation workers, but that the Ghana Standards Authority will include provisions in this regard in its 2025 guidelines. The Committee also notes that according to the 2022 annual report of the Nuclear Regulatory Authority and its web page, the Nuclear Regulatory Authority is working on drafting regulations on various aspects relating to radiation work, including Basic Ionising Radiation Regulations that aim to set dose limits and address exposure to ionizing radiation arising from work activities and natural radiation. The Committee recalls paragraphs 11, 13, 32 and 34 of its 2015 general observation on Convention No. 115, in which it drew the Government's attention to the most recent recommendations of the International Commission on Radiological Protection, indicating: (i) an equivalent dose to the lens of the eye for radiation workers of 20 mSv averaged over defined periods of five years, with no single year exceeding 50 mSv per year; and (ii) an equivalent dose to the lens of the eye of 20 mSv/year for students between the ages of 16 and 18 who use sources of radiation in the course of their studies. ***The Committee requests the Government to take the necessary measures to fix the maximum permissible doses with respect to the lens of the eye for radiation workers, and to revise the maximum permissible doses, in the light of current knowledge, for students between the ages of 16 and 18, in accordance with Articles 6(2) and 7 of the Convention. The Committee requests the Government to provide information on the measures taken in this regard, including on the development of any regulations by the Nuclear Regulatory Authority.***

Article 8. Dose limits for workers not directly engaged in radiation work. Following its previous comments, in which it noted the Government's indication that the effective dose limit for members of the public is of 5 mSv in a year, the Committee notes the Government's indication that it has notified the Ghana Standards Authority to take the necessary measures to review those limits. The Committee notes that, according to section 5(b) of the Nuclear Regulatory Authority Act (No. 895), 2015, one of the functions of the Nuclear Regulatory Authority is to regulate the introduction of radiation sources, nuclear materials, equipment or practices that expose workers, patients, the public and the environment to radiation. The Committee also recalls paragraphs 14 and 35 of its 2015 general observation, in which it drew the Government's attention to the most recent recommendations of the International Commission on Radiological Protection, indicating that the dose limits for workers not directly engaged in radiation work are those to be applied to members of the public, particularly an annual effective dose limit of 1 mSv. ***The Committee requests the Government to take the necessary measures to review the maximum permissible doses for workers not directly engaged in radiation work, in the light of current knowledge, and to indicate the measures taken in this regard, including information on the development of regulations by the Nuclear Regulatory Authority.***

The Committee is raising other matters in a request addressed directly to the Government.

Guatemala

Asbestos Convention, 1986 (No. 162) (ratification: 1989)

Previous comment

Legislation and other measures to give effect to the Convention. With reference to its repeated comments on the adoption of legislative measures to give effect to the Convention, the Committee notes that, according to the indications provided by the Government in its report, the Guatemalan

Standards Commission (COGUANOR) prepared a technical analysis on the prohibition of the use of asbestos, which was submitted to the Ministry of Labour and Social Insurance (MTPS) to be used as a basis for the draft Government Decision regulating the use of asbestos in Guatemala. Nevertheless, the Committee notes with ***regret*** that, according to the Government's indications, there have been no measures or progress since 2018 on this legislative project, which is now under the responsibility of the General Secretariat of the MTPS awaiting completion of pending actions. The Committee recalls that in its previous comments it emphasized the importance of adopting measures for the adoption of specific provisions with a view to: prohibiting the use of crocidolite *(Article 11)*; prohibiting the spraying of all forms of asbestos *(Article 12)*; setting out the requirement in law for employers to notify, in a manner and to the extent prescribed by the competent authority, certain types of work involving exposure to asbestos *(Article 13)*; and prescribing exposure limits *(Article 15)*. The Committee also recalls that the Convention requires the competent authority to establish a system for the authorization of employers or contractors qualified to carry out the demolition work referred to in *Article 17*; and to specify methods to measure the concentrations of airborne asbestos dust and determine the intervals at which such monitoring shall be carried out, and other matters relating to the monitoring of the workplace *(Article 20).* The Committee further recalls that, in addition to establishing the requirement for medical examinations, it is necessary to provide for the notification of occupational diseases caused by asbestos, as required by *Article 21* of the Convention. ***In the light of the above, the Committee requests the Government to take the necessary measures without delay, in consultation with the most representative organizations of employers and workers, for the adoption of the Government Decision regulating the use of asbestos in the very near future and to ensure that it gives full effect to the Convention and takes into account the comments made in this regard. The Committee requests the Government to keep it informed of any developments in relation to the adoption of the legislative project referred to above and recalls the possibility of requesting ILO technical assistance.***

[The Government is asked to reply in full to the present comments in 2027.]

Guinea

Radiation Protection Convention, 1960 (No. 115) (ratification: 1966)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

General observation of 2015. ***The Committee wishes to draw the Government's attention to its general observation of 2015 relating to the present Convention, and particularly to the request for information in paragraph 30.***

Article 1 of the Convention. Legislation and other appropriate measures. Article 2. Scope of application. Article 3(1) and (2). Appropriate steps to ensure effective protection of workers against ionizing radiations. Articles 6 and 7. Maximum permissible doses of ionizing radiations in the light of current knowledge. The Committee previously observed that the Government had been expressing the intention for many years of adopting regulations to protect workers against ionizing radiation, but had not taken measures to that end. The Committee notes the indication in the Government's report that, under section 231.4 of the Labour Code of 2014, orders adopted by the Minister of Labour establish the general measures for ensuring worker protection and health which are applicable to all workplaces, especially regarding radiation. The Government explains that the initial drafts of the orders will be updated and submitted to the next session of the Advisory Committee on Labour and Social Legislation. The Government adds that all necessary steps will be taken to give effect to the Convention.

The Committee notes the Government's reference to the previous standards and recommendations of the International Atomic Energy Agency (IAEA) and the International Commission on Radiological Protection (ICRP), which are no longer up to date. The Committee emphasizes that the new recommendations and standards in force to be taken into account for the application of the Convention are the ICRP Recommendations of 2007, the ICRP Statement of 2012 on Tissue Reactions/Early and Late Effects of Radiation in Normal Tissues and Organs: Threshold Doses for Tissue Reactions in a Radiation Protection

Contex, and the IAEA International Basic Safety Standards of 2014, which are reflected in the Committee's general observation of 2015. The Committee draws the Government's attention in this regard to paragraphs 31–37 of the general observation concerning the recommendations in force on dose limits, according to categories of workers, and the limitation of occupational exposure during an emergency. ***The Committee hopes that the Government will take the necessary steps to adopt orders in the very near future to give effect to the provisions of the Convention, in the light of the general observation of 2015, and requests to provide information in this regard.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Guyana

Radiation Protection Convention, 1960 (No. 115) (ratification: 1966)

Benzene Convention, 1971 (No. 136) (ratification: 1983)

Occupational Cancer Convention, 1974 (No. 139) (ratification: 1983)

Previous comment on Convention No. 115

Previous comment on Convention No. 136

Previous comment on Convention No. 139

In order to provide a comprehensive view of the issues relating to the application of ratified occupational safety and health (OSH) Conventions, the Committee considers it appropriate to examine Conventions Nos 115 (radiation protection), 136 (benzene) and 139 (occupational cancer) together.

Protection from specific risks

Radiation Protection Convention, 1960 (No. 115)

Articles 1, 3(1), 6 and 8 of the Convention. Legislation. Maximum permissible doses. Consultation of the social partners. The Committee notes the Government's reference to the adoption of the Radiation Safety and Security Act (No. 10 of 2023). The Committee notes the new Act establishes the Radiation Safety and Security Board for the purpose of exercising regulatory control over the peaceful uses of ionizing radiation and contains obligations for licensees. Section 42 of the Act authorizes the Board, in consultation with the Minister, to enact regulations aimed at protecting individuals from injury due to ionizing radiation exposure, including setting dose limits that must not be exceeded during activities under regulatory oversight. Additionally, section 42(2) states that dose limits should align with recommendations from the International Atomic Energy Agency (IAEA) and the International Commission on Radiological Protection (ICRP). ***The Committee requests the Government to take the necessary measures to ensure effective protection of workers, as it relates to their health and safety, against ionizing radiations. It requests the Government to adopt the necessary regulations in order to ensure that maximum permissible doses or amounts are determined without delay, for both workers directly engaged in radiation work and for those who remain or pass where they may be exposed to ionizing radiations. Finally, it requests the Government to provide information on the consultations held with representatives of employers and workers on the Radiation Safety and Security Act and any subsequent regulations.***

Article 12. Medical examinations. ***The Committee requests the Government to take the necessary measures in order to ensure medical examinations are prescribed and provided in practice to all workers directly engaged in radiation work, including examinations prior to or shortly after taking up such work, and their subsequent examination at appropriate intervals.***

Benzene Convention, 1971 (No. 136)

Legislation. The Committee notes that pursuant to the Pesticides and Toxic Chemicals Control Act, the Pesticides and Toxic Chemicals Control Board (PTCCB) manages a registration mechanism for pesticides and toxic chemicals manufactured in the country or that are imported. The Committee notes that the Board's list of prohibited pesticides and toxic chemicals includes several benzene derivatives. The Committee also notes the Government's indication that a review of the OSH Act and existing regulations is currently under way, with the aim of establishing a comprehensive legislative and regulatory framework that addresses all OSH-related matters. The Committee further notes the Government's request for technical assistance to align national legislation and practices with the Convention's requirements. ***The Committee takes note of this request for technical assistance and expresses the hope that this assistance will be provided in the near future. It also requests the Government to take measures to ensure that the reviewed regulatory framework gives full effect to the Convention and that the Committee's comments on legislative matters are taken into account in the context of the review.***

Article 4 of the Convention. Prohibition of the use of benzene in certain work processes. The Committee notes the Government's indication that the monitoring of benzene and substances containing benzene is ensured by the PTCCB. It further notes the Government's indication regarding the use of benzene and its derivatives permitted in the country, and an indication of the products monitored by the PTCCB in that respect. ***The Committee requests the Government to take all the necessary steps, including in the context of the ongoing legislative review, to ensure that the use of benzene and products containing benzene is prohibited in certain work processes and that this prohibition includes at least the use of benzene and products containing benzene as a solvent or diluent, except where the process is carried out in an enclosed system or where there are other equally safe methods of work. It requests the Government to provide information on any developments in this regard.***

Occupational Cancer Convention, 1974 (No. 139)

Legislation. ***Further to its previous comment and noting the ongoing legislative review, the Committee requests the Government to take the necessary measures to ensure that the reviewed regulatory framework gives full effect to the Convention and that the Committee's comments on legislative matters are taken into account in the context of the review.***

Article 3 of the Convention. Exposure limits and protective measures. Records of exposure of workers at risk. In response to its previous comment, the Committee notes the Government's indication that employers are mandated to ensure that safety data sheets and labels are accessible to all employees and that all relevant personal protective equipment, as specified on the product labels, is provided to workers handling these substances. ***The Committee once again requests the Government to take the necessary measures to establish an appropriate system of records at the national level. It also requests the Government to provide further information on the measures taken, including in the context of the legislative review, to protect workers against the risks of exposure to carcinogenic substances or agents.***

The Committee is raising other matters in a request addressed directly to the Government.

Japan

Radiation Protection Convention, 1960 (No. 115) (ratification: 1973)

Asbestos Convention, 1986 (No. 162) (ratification: 2005)

Previous comment on Convention No. 115

Previous comment on Convention No. 162

To provide a comprehensive view of the issues relating to the application of ratified Conventions on occupational safety and health (OSH), the Committee considers it appropriate to examine Conventions Nos 115 (radiation protection) and 162 (asbestos) together.

The Committee notes the observations submitted with the Government's report from the Japanese Trade Union Confederation (JTUC–RENGO) concerning Conventions Nos 115 and 162, and the observations of the Japan Business Federation (NIPPON KEIDANREN) on Convention No. 162.

Protection against specific risks

Radiation Protection Convention, 1960 (No. 115)

Articles 2, 11, 12 and 13 of the Convention. Application of the Convention to all activities involving exposure of workers to ionizing radiations in the course of their work, appropriate monitoring and medical surveillance. Workers engaged in decommissioning and decontamination work. Following its previous comments, the Committee notes the detailed information provided under the Labour Inspection Convention, 1947 (No. 81) regarding the results of inspections related to decommissioning and radioactive material decontamination work. Regarding decommissioning work, the Government provides information on the number of violations on the reporting of medical examination results related to ionizing radiation (four violations in 2020, six in 2021 and three in 2022). It also provides information on the Guidelines on Occupational Safety and Health Management at the TEPCO Fukushima Daiichi Nuclear Power Plant on the implementation of health management measures. Concerning decontamination work, the Government indicates that the legislative requirement to undertake a preliminary survey before commencing such works is an important measure to prevent exposure to ionizing radiation (pursuant to section 7 of the Ordinance on the Prevention of Ionizing Radiation Hazards at Works to Decontaminate Soil and Waste Contaminated by Radioactive Materials Resulting from the Great East Japan Earthquake and Related Work). There were three violations detected of this requirement in 2020, two in 2021 and four in 2022. The Government also indicates that the medical examinations of workers engaged in such work must be submitted to the Labour Standards Inspection Office, and there were four violations of this obligation in 2020, two in 2021 and six in 2022. The Government further indicates that employers engaged in decontamination and related work are encouraged to participate in the exposure dose registration system. The Committee notes that the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, in its report to the Human Rights Council, expressed deep concern regarding workers who had developed cancer-related illnesses after their clean-up and decontamination work but had been denied financial compensation or medical assistance by the subcontractors of the power company, as employment records did not accurately reflect radiation exposure (1 May 2024, A/HRC/56/55/Add.1, paragraph 60).

The Committee emphasizes the importance of carrying out appropriate monitoring of workers and places of work, in accordance with *Article 11* of the Convention. ***The Committee urges the Government to strengthen its efforts to ensure that the protection provided in the Convention is applied to workers engaged in decontamination and decommissioning work, and requests it to continue to provide information on the measures it is taking in this regard. In that respect, it requests the Government to continue to provide information on the long-term health management measures it***

is taking in relation to this category of workers. With respect to the monitoring of working conditions of those engaged in decommissioning and decontamination work, the Committee refers to its comments under the Labour Inspection Convention, 1947 (No. 81).

Asbestos Convention, 1986 (No. 162)

Articles 17 and 19 of the Convention. Demolition work and measures to prevent pollution of the general environment by asbestos dust released from the workplace. The Committee notes the Government's statement, in reply to its previous request on measures to prevent pollution by the release of asbestos dust, that there have been confirmed cases of asbestos scattering from demolition sites and instances where the preliminary investigations to determine the presence of asbestos in building materials were insufficient. The Government indicates that, as a result, the Air Pollution Control Act was amended in June 2020 to expand the scope of regulation to include all building materials containing asbestos. The Government further indicates the method of investigating the presence of asbestos has been prescribed by law for contractors commissioned to conduct demolition or other work, and such contractors are obliged to report the results of the investigation to the prefectural governor.

The Committee notes the observations of JTUC–RENGO that, although strengthening these regulations is a positive step, there have been cases where measures were not taken to prevent the dispersal of asbestos from demolition and other work, even after the legislative changes. The union calls for the implementation of thorough measures to prevent exposure to asbestos due to dispersal during dismantling of buildings where asbestos-containing products may have been used. ***The Committee also notes the observations of NIPPON KEIDANREN that, in light of the expected increase in the future of demolition and renovation of buildings and other structures, it requests the Government to publicize the laws and regulations, to inform employers and to provide the necessary guidance to ensure that appropriate exposure control measures are implemented in workplaces. The Committee requests the Government to pursue its efforts to ensure the necessary protection to workers engaged in demolition work as well as to prevent pollution of the general environment by asbestos dust released from the workplace, including measures to ensure the publicization of the legislative requirements and the dissemination of relevant guidance.***

Application of Convention No. 162 in practice. The Committee notes the detailed information provided by the Government on the application of the Convention in practice, including the number of violations detected, the number of insurance benefits provided for diseases caused by asbestos, the number of survivor benefits paid, and the number of cases of accidents related to asbestos of both national and local public employees. The Committee notes that the number of violations detected by labour standards inspectors of the Ordinance on the Prevention of Health Impairment due to Asbestos was significantly higher in 2022 compared to the figures provided in the previous report: 591 violations with respect to health criteria (compared to 219 violations in 2013), two regarding work environment measurement (compared to one in 2013) and 54 violations related to medical examinations (compared to 13 in 2013). ***The Committee requests the Government to provide information on the reasons for the significant increase in violations detected, and to indicate the measures taken in response to the violations detected, including the penalties applied. It also requests the Government to continue to provide information on the manner in which the Convention is applied in practice.***

The Committee is raising other matters in a request addressed directly to the Government.

Kazakhstan

Asbestos Convention, 1986 (No. 162) (ratification: 2011)

Previous comment

Article 3 of the Convention. Laws and regulations concerning the prevention and control of, and protection of workers against, health hazards due to occupational exposure to asbestos. Further to its

previous comments, the Committee notes the Government's reference in its report to the Order of the Ministry of Health No. 440 of 2011, approving the sanitary and epidemiological requirements for the maintenance and operation of facilities for the extraction and processing of chrysotile asbestos, the production of products and materials containing chrysotile and related working conditions. The Committee notes that Order No. 440 of 2011 was repealed by the Order of the Ministry of Health No. 362 of 2012. In this respect, the Committee notes with ***regret*** that the Government did not provide information on the adoption of new legislation giving effect to the Convention. It notes, in addition, the Government's indications that: (i) occupational safety and health (OSH) regulations and practices are regularly assessed to determine their effectiveness, including their compliance with current requirements of international standards; and (ii) on the basis of this analysis, proposals are developed to update existing legislation. The Committee recalls that the resolution concerning asbestos, adopted by the 95th Session of the International Labour Conference in June 2006, considered that all forms of asbestos are classified as human carcinogens and stated that the elimination of the future use of asbestos and the identification and proper management of asbestos currently in place are the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths. ***The Committee requests the Government to take the necessary measures for the prevention and control of, and protection of workers against, health hazards due to occupational exposure to asbestos, in accordance with Article 3(1) of the Convention. It requests the Government to provide information on the measures taken in this respect, and to indicate the consideration given to technological progress and advances in scientific knowledge.***

Articles 9, 10, 13, 14, 15(3), 16–21, 22(2) and (3). Application of the Convention in law and in practice. ***In view of the lack of information, the Committee once again requests the Government to provide information on the measures adopted to give effect to the requirements of the Convention concerning:***

- ***the measures for the prevention and control of exposure to asbestos (Article 9);***
- ***the replacement or total or partial prohibition of asbestos, when technically practicable (Article 10);***
- ***the obligation of employers to notify the competent authority of the types of work involving exposure to asbestos (Article 13);***
- ***the responsibility of producers and suppliers of asbestos and manufacturers and suppliers of products containing asbestos to label the containers and products containing asbestos (Article 14);***
- ***the adoption of appropriate measures to prevent or control the release of asbestos dust into the air (Article 15(3));***
- ***the responsibility of employers regarding the prevention and control of the exposure of workers to asbestos (Article 16);***
- ***the demolition of plants or structure containing asbestos, and removal of asbestos from buildings or structures (Article 17);***
- ***the work clothing, special protective clothing, personal protective equipment and facilities for workers exposed to asbestos (Article 18);***
- ***the disposal of waste containing asbestos (Article 19);***
- ***the measurement of the concentration of airborne asbestos dust in workplaces and the records (Article 20);***
- ***the medical examinations after termination of employment and the development of a system of notification of occupational diseases caused by asbestos (Article 21(1), (2), (3) and (5));***
- ***and the establishment of written policies and procedures by employers and the provision of information to workers with regard to asbestos (Article 22(2) and (3)).***

Application in practice. Following its previous comments, the Committee notes the information provided by the Government in its report that there is one enterprise in the country engaged in

chrysotile asbestos extraction and processing, producing between 220,000 and 250,000 tonnes of chrysotile annually, and employing 2,040 workers. It notes, however, an absence of information regarding labour inspection activities related to the Convention or on cases of occupational asbestos-related disease. ***The Committee urges the Government to provide information on the application in practice of the Convention, including the number of workers covered by the legislation, the number of inspections carried out and contraventions reported, the number of sanctions imposed, as well as the number of cases of occupational diseases reported as caused by asbestos.***

The Committee is raising other points in a request addressed directly to the Government.

Lebanon

Radiation Protection Convention, 1960 (No. 115) (ratification: 1977)

Occupational Cancer Convention, 1974 (No. 139) (ratification: 2000)

Chemicals Convention, 1990 (No. 170) (ratification: 2006)

Prevention of Major Industrial Accidents Convention, 1993 (No. 174) (ratification: 2005)

Previous comment on Convention No. 115

Previous comment on Conventions Nos 115, 120, 127, 136, 139, 148, 170, 174 and 176

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on occupational safety and health (OSH), the Committee considers it appropriate to examine Conventions Nos 115 (radiation protection), 139 (occupational cancer), 170 (chemicals) and 174 (prevention of major industrial accidents) together.

Impact of conflict on the safety and health of workers. The Committee notes the statement in the Government's report that ongoing military aggression by Israel has seriously undermined the fundamental principle and right of a safe and healthy working environment, and that this has had grave repercussions for workers, employers and the labour market. The Government refers in this respect to the impact of attacks on civilians and workplaces, including hospitals and medical facilities, the destruction of socio-economic infrastructure, and the use of phosphorus and incendiary bombs on agricultural land. The Government indicates that as a result, thousands of workers and employers have been adversely affected, with a particularly negative impact on migrant workers. The Government also refers to the detonation of pagers and walkie-talkies in September 2024, stating that this impacted thousands of Lebanese civilians working in the vicinity of the explosions. The Government states that these explosions resulted in 32 deaths and injuries to 3,250 persons, including critical injuries to their faces, eyes, hands and bodies.

The Committee recalls that all workers have a right to a safe and healthy working environment. ***Noting with deep concern the impact on the safety and health of workers of the complex situation in the country, it urges that all necessary measures, as are possible, be taken to protect the safety and health of workers.***

Protection against specific risks

Radiation Protection Convention, 1960 (No. 115)

Articles 3(1) and 6 of the Convention. All appropriate steps to ensure the effective protection of workers, in the light of available knowledge and maximum permissible doses of ionizing radiation. 1. *Lens of the eye*. Following its previous comments on this matter, the Committee notes that the Government did not indicate in its report whether it has revised table 2 of Decree No. 11802 of 2004, regarding the organization of prevention, safety and professional hygiene, which sets the dose limit to the lens of the

eye as 150 mSv per year. ***With reference to paragraph 32 of its 2015 general observation on the application of Convention No. 115, the Committee once again requests the Government to take measures to ensure that the dose limits to the lens of the eye are set at 20 mSv per year, averaged over defined periods of five years, with no single year exceeding 50 mSv per year.***

2. *Protection for pregnant and breastfeeding workers.* ***In the absence of information on any developments in this regard, the Committee refers to paragraph 33 of its 2015 general observation on the application of Convention No. 115 and urges the Government to take measures to establish the maximum permissible dose for workers who are pregnant or breastfeeding.***

Articles 6(1), 7(1) and (2), and 8. Dose limits for persons between 16 and 18 years. Following its previous comments on this issue, the Committee notes that the Government has not provided information on any legislative developments fixing specific dose limits for workers engaged in radiation work between the ages of 16 and 18, which is allowed pursuant to Annex 2 of Decree No. 8987 of 2012. The Committee once again refers to its 2015 general observation on the application of Convention No. 115, recalling that, for occupational exposure of apprentices aged 16 to 18 years of age who are being trained for employment involving radiation and for exposure of students aged 16 to 18 who use sources in the course of their studies, the dose limits are: (i) an effective dose of 6 mSv in a year; (ii) an equivalent dose to the lens of the eye of 20 mSv in a year; and (iii) an equivalent dose to the extremities (hands and feet) or to the skin of 150 mSv in a year. ***The Committee urges the Government to take the necessary measures to ensure that specific dose levels are fixed for workers between the ages of 16 and 18 engaged in radiation work. The Committee requests the Government to provide information on the progress made in this regard.***

Occupational Cancer Convention, 1974 (No. 139)

Article 2 of the Convention. Replacement of carcinogenic substances and agents by non-carcinogenic substances and agents. Limiting the number of workers exposed to carcinogenic substances. Following its previous comments on this matter, the Committee notes the Government's indication that the Ministry of Public Health has launched the National Cancer Control Plan 2023–28, which includes awareness-raising about occupational hazards and cancer, and the drafting or amendment of regulations to limit exposure for individuals at risk. ***The Committee requests the Government to provide information on any legislative developments in this regard, including on any legislation requiring carcinogenic substances and agents to which workers may be exposed in the course of their work to be replaced by non-carcinogenic substances or agents or by less harmful substances or agents. Taking note of the Government's indication that no additional measures have been taken in this regard, the Committee also requests the Government to take measures to ensure that the number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure shall be reduced to the minimum compatible with safety***.

Article 5. Medical examinations. The Committee notes the Government's indication that, in the absence of a national OSH Committee, no measures have been considered for identifying hazardous substances that cause occupational cancer. ***Therefore, the Committee once again urges the Government to take the necessary measures to ensure that workers are provided with medical examinations during the period of employment and thereafter as necessary, in order to evaluate their exposure and supervise their state of health in relation to the occupational hazards.***

Chemicals Convention, 1990 (No. 170)

Articles 3 and 4 of the Convention. Consultations with the most representative organizations of employers and workers on the application of the Convention and the formulation, implementation and periodical review of a coherent policy on safety in the use of chemicals at work. Following its previous comments, the Committee notes with ***concern*** the Government's statement that it has not formulated a policy on safety and health in the use of chemicals. The Committee recalls that, in accordance with

Article 4, in the light of national conditions and practice and in consultation with the most representative organizations of employers and workers, each Member shall formulate, implement and periodically review a coherent policy on safety in the use of chemicals at work. ***The Committee requests the Government to take the necessary measures to formulate, implement and periodically review a coherent policy on safety in the use of chemicals at work, in consultation with the most representative organizations of employers and workers. The Committee recalls that the Government may avail itself of ILO technical assistance in this regard.***

Prevention of Major Industrial Accidents Convention, 1993 (No. 174)

Article 4 of the Convention. Coherent national policy concerning the protection of workers, the public and the environment against the risk of major accidents. Following its previous comments requesting the Government to take measures to give effect to this Convention in consultation with the most representative organizations of employers and workers, the Committee recalls with ***deep concern*** that on 4 August 2020, a stockpile of ammonium nitrate stored in a port warehouse in Beirut exploded, killing more than 200 people and wounding more than 7,000 according to statistics from the Office of the United Nations High Commissioner for Human Rights. The Committee recalls that, in accordance with *Article 3* of the Convention, a major hazard installation covers installations that store hazardous substances or categories of substances in quantities which exceed the threshold quantity. In this respect, the Committee notes with ***regret*** that the Government has, once again, not provided information on any specific measures taken to formulate, implement and periodically review a coherent national policy concerning the protection of workers, the public and the environment against the risk of major accidents, in accordance with *Article 4* of the Convention. The Committee notes that in the context of the joint ILO–UNITAR project "Implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), preventing chemical accidents and strengthening occupational safety and health", implemented in 2021–22, a national OSH profile and draft national OSH policy have been prepared for Lebanon. ***The Committee urges the Government to take the necessary measures as a matter of urgency, in consultation with the most representative organizations of employers and workers, to formulate, implement and periodically review a coherent national policy concerning the protection of workers, the public and the environment against the risk of major accidents and to ensure a full application of the Convention in the near future. The Committee requests the Government to provide detailed information on the measures taken and the progress made in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

Lesotho

Occupational Safety and Health Convention, 1981 (No. 155) (ratification: 2001)

Previous comment

Articles 13 and 19(f) of the Convention. Protection of workers removed from imminent and serious danger. Following its previous comments, the Committee notes the adoption of the new Occupational Safety and Health Act No. 4 of 2024 (OSH Act 2024). It notes with ***satisfaction*** that section 10(1) of the OSH Act 2024 gives workers a right to cease or refuse to carry out work if circumstances arise which appear, with reasonable justification, to pose a serious and imminent risk to their safety or health. At the same time, section 11 provides that an employer shall not alter the worker's position to the detriment of the worker for the reason that they removed themselves from imminent and serious danger. The Committee takes note of this information, which addresses its previous request.

Article 17. Collaboration between two or more undertakings engaged in activities simultaneously at the same workplace. Following its previous request on this issue, the Committee notes with ***interest*** that section 55(1) of the OSH Act 2024 provides that where two or more employers within the same workplace engage at the same time in different work activities, each employer shall retain responsibility

for discharging all the duties of an individual employer in relation to the workplace or the relevant part of that workplace and where necessary, collaborate for purposes of complying with this Act. The Committee takes note of this information, which addresses its previous request.

In addition, the Committee recalls the pending comment regarding the ratified technical OSH Convention (the Safety and Health in Construction Convention, 1988 (No. 167)), adopted by the Committee in 2021, for which the Government will be requested to reply in 2027 in accordance with the reporting cycle.

The Committee is raising other matters in a request addressed directly to the Government.

Malawi

Occupational Safety and Health Convention, 1981 (No. 155) (ratification: 2019)

Safety and Health in Agriculture Convention, 2001 (No. 184) (ratification: 2019)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (ratification: 2019)

Previous comment

In order to provide a comprehensive view of the issues relating to the application of ratified occupational safety and health (OSH) Conventions, the Committee considers it appropriate to examine Conventions Nos 155 (OSH), 187 (promotional framework for OSH) and 184 (safety and health in agriculture) together.

The Committee notes the observations of the Malawi Congress of Trade Unions (MCTU), received on 2 September 2024, concerning Conventions Nos 155, 184, and 187. ***The Committee requests the Government to provide its comments in this respect.***

Article 8 of Convention No. 155 and Article 4(1), (2)(a) and (3)(a) of Convention No. 187. Legal and regulatory framework in respect of OSH and periodic review of the national system. National tripartite advisory body, or bodies, addressing OSH issues. In its previous comment, the Committee noted that, due to the absence of a tripartite advisory body with direct responsibility for OSH, the responsibility for the periodic review of national legislation, policies and actions on OSH is with the Tripartite Labour Advisory Council and that the Government envisaged setting up a national advisory committee on OSH that shall specifically be responsible for monitoring and advising on the operationalization of OSH legislation. The Committee notes the Government's indication in its report that the finalization of the review of the Occupational Safety, Health and Welfare Act (OSHWA) awaits the adoption of the National OSH Policy and that five regulations under the OSHWA (concerning pressure vessels, safety and health committees, first aid, hazardous substances and medical examinations) are being developed through a consultative process with the social partners and other key stakeholders. ***The Committee requests the Government to continue to provide updated information with regards to the ongoing review of the OSHWA and the development of new OSH regulations as well as on the consultations held in this regard. It requests the Government to take measures to ensure that the Committee's comments on legislative matters are taken into account in the context of the review of the OSHWA. The Committee once again requests the Government to provide information on the progress achieved in setting up a national advisory committee on OSH.***

Article 16(1) of Convention No. 155, Article 3(2) of Convention No. 187 and Article 18 of Convention No. 184. Employers' obligation to ensure that workplaces are without risks to health and safety. Promotion of a safe and healthy working environment. OSH measures for women workers in agricultural undertakings. Following its previous comments regarding the issue of violence and harassment of women workers in agricultural undertakings, the Committee notes the Government's indication that the Tea Association of Malawi Limited has revised its 2024 Gender Equality, Anti-Harassment, and Non-Discrimination Policy,

introducing mechanisms for lodging complaints, including hotlines across tea estates, and further developed a training manual to help members gain knowledge in implementing relevant measures. The Committee notes that the Employers' Consultative Association of Malawi adopted a statement on zero-tolerance to violence and harassment to guide its members in addressing these issues. Furthermore, the Government indicates that OSH Regulations in Agriculture are currently being developed which will address the special needs of women agricultural workers, including in relation to reproductive health. The Committee also notes that, in the context of the ongoing review of the OSHWA, provisions have been proposed to ensure protection against and prevention of workplace violence and harassment, emphasizing employers' obligations to investigate and monitor incidents, provide remedies, protect privacy, prevent retaliation, and promote employee training. The Committee notes that the UN Committee on Economic, Social and Cultural Rights, in its concluding observations, expressed concern that despite measures adopted, agricultural workers face precarious working conditions that expose them to exploitation and abuse, including gender-based violence (E/C.12/MWI/CO/1 27 September 2024, paragraph 29). ***The Committee requests the Government to strengthen the measures taken to advance the right of agricultural workers to a safe and healthy working environment and to ensure that the special needs of women agricultural workers are taken into account, specifically in relation to reproductive health, including in the context of the ongoing review of the OSHWA and the development of the OSH Regulations in Agriculture. The Committee refers in this respect to its comments under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).***

The Committee is raising other matters in a request addressed directly to the Government.

Niger

Occupational Safety and Health Convention, 1981 (No. 155) (ratification: 2009)

Previous comment

The Committee takes note of Ordinance No. 2023-01 of 28 July 2023, which suspends the Constitution of 25 November 2010, and establishes the National Council for the Safeguard of the Homeland, as well as Ordinance No. 2023-02 of 28 July 2023, on public authorities during the transition period, as communicated by the Government. It notes that under Ordinance No. 2023-02, laws and regulations enacted and published as of the signing date of the ordinance remain in force unless expressly repealed (section 19). The Committee also notes that this ordinance provides that Niger remains bound by ratified international treaties and agreements (section 3).

Articles 13 and 19(f) of the Convention. Protection of workers who have removed themselves from a situation presenting an imminent and serious danger. In its previous comments, the Committee noted an absence of information on the measures taken to ensure that any workers who have removed themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health are protected from undue consequences. In this regard, the Committee notes the Government's indication in its report that workers are not required to return to work where there is a risk, until measures of protection have been taken to eliminate the danger. The Government indicates that in the event of a dispute, workers or staff representatives may refer the matter to the labour inspectorate and, where appropriate, to the labour court. ***Noting the absence of information concerning the existence of legal grounds protecting workers against undue consequences in the situations referred to in Article 13, the Committee requests the Government to take the necessary measures to give full effect to Articles 13 and 19(f) of the Convention in law and in practice, and requests the Government to provide information on the application in practice of these Articles, including on cases where workers or staff representatives have referred the matter to the labour inspectorate or the labour court, and the action taken in such cases.***

Furthermore, the Committee recalls its pending comment concerning the ratified technical Convention on OSH (the Occupational Health Services Convention, 1985 (No. 161)), adopted by the Committee in 2022, to which the Government will be asked to respond in 2027, in accordance with the reporting cycle.

The Committee is raising other matters in a request addressed directly to the Government.

Serbia

Occupational Cancer Convention, 1974 (No. 139) (ratification: 2000)

Occupational Safety and Health Convention, 1981 (No. 155) (ratification: 2000)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (ratification: 2009)

Previous comment on Convention No. 139

Previous comment on Convention No. 155

Previous comment on Convention No. 187

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on occupational safety and health (OSH), the Committee considers it appropriate to examine Conventions Nos 139 (occupational cancer), 155 (OSH) and 187 (promotional framework for OSH) together.

The Committee notes the observations of the Confederation of Autonomous Trade Unions of Serbia (CATUS) on the application of Conventions Nos 139 and 187 communicated with the Government's report.

General provisions

Occupational Safety and Health Convention, 1981 (No. 155) and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Article 8 of Convention No. 155 and Article 4(1) and (2)(a) of Convention No. 187. Obligation to establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organizations of employers and workers. Legislation. The Committee notes the Government's indication in its report, with respect to previous observations on the adoption of laws without consultation with the social partners or prior consideration by the Social and Economic Council, that from April 2016 to July 2023, all regulations and strategic documents in the field of occupational safety and health were discussed and adopted in consultation with CATUS, the Trade Union Confederation "Nezavisnost", and the Serbian Association of Employers, and through the Social and Economic Council, and its Permanent Working Body for Occupational Safety and Health. It indicates that during the amendments to the Law on Pension and Disability Insurance in 2018 and 2021, public debates were held in which employers' and workers' organizations took part. The Committee notes that a new Law on Occupational Safety and Health (Official Gazette of the RS, No. 35/23) was adopted on 28 April 2023, and it notes the detailed list of OSH regulations adopted or amended until 2023. In its observations, CATUS reiterates that public debates cannot be conducted via email, which has been done several times so far with several different laws and regulations, which in practice prevents all interested parties from participating meaningfully and equally in the public debate process. ***The Committee requests the Government to provide its comments in this respect. It requests the Government to continue to take measures to ensure that the periodic review of the national legislative framework is in consultation with the most representative organizations of employers and workers.***

Protection against specific risks

Occupational Cancer Convention, 1974 (No. 139)

Article 5 of the Convention. Medical examinations during the period of employment and thereafter. The Committee notes the Government's reference to section 15 of the Rulebook on Preventive Measures for Safe and Healthy Work related to Exposure to Carcinogens or Mutagens, which provides for the monitoring of health status before and during employment. The Committee notes that the section provides for prior and periodic medical examinations of employees at workplaces with increased risk and targeted medical examinations for employees at workplaces which have not been identified to have increased risk. At the same time, the Committee notes that Annex 2 of the Rulebook refers to measures of health status monitoring. The Committee notes with ***regret*** that the Government has not provided information regarding the provision of medical examinations upon termination of employment and thereafter as are necessary, and it recalls in this respect that there is often a significant latency period between occupational exposure and the development of cancer. In its observations, CATUS expresses concerns with regard to non-compliance with the medical examination obligation, indicating that no cases of occupational disease have been reported for years. It further indicates that employees do not receive medical examinations, biological or other tests that are necessary to assess their health status in connection with the professional hazards after termination of employment. In addition, CATUS states that it believes there is a need to introduce a mandatory annual medical examination, even for those workplaces which are not at higher risk, including part-time positions. ***The Committee requests the Government to provide its comments regarding the issues raised by CATUS. In addition, the Committee reiterates its previous request urging the Government to take measures to ensure that workers are provided with such medical examinations or biological or other tests or investigations as are necessary to evaluate their state of health in relation to occupational hazards not only during the period of employment but also thereafter. It also requests the Government to provide information on the incidence of occupational diseases in Serbia, and to provide detailed information on the measures taken to ensure their identification, diagnosis, recording and notification.***

The Committee is raising other matters in a request addressed directly to the Government.

South Africa

Occupational Safety and Health Convention, 1981 (No. 155) (ratification: 2003)

Safety and Health in Mines Convention, 1995 (No. 176) (ratification: 2000)

Previous comment on Convention No. 155

Previous comment on Convention No. 176

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on occupational safety and health (OSH), the Committee considers it appropriate to examine Conventions Nos 155 (OSH) and 176 (safety and health in mines) together.

General provisions

Occupational Safety and Health Convention, 1981 (No. 155)

Articles 13 and 19(f). Protection of workers who remove themselves from work situations presenting an imminent and serious danger. The Committee recalls that the Mine Health and Safety Act provides the right of workers to leave a work situation which appears to pose a serious danger to their health or safety (section 23), but the Occupational Health and Safety Act (covering sectors other than mining) does not expressly provide for a right of removal. ***The Committee requests the Government to take the necessary measures to ensure that workers in all sectors who remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their***

life or health, are protected from undue consequences and cannot be required to return to a work situation where there is a continuing imminent and serious danger to life or health.

Specific sectors

Safety and Health in Mines Convention, 1995 (No. 176)

Article 16 of the Convention. Enforcement and application of the Convention in practice. The Committee welcomes the Government's statement that the concerted efforts of the social partners, who actively participated in the health and safety campaigns of the Government, have led to a reduction in both fatalities and injuries in the mining sector. In this respect, the Government refers to the 2022 Mine Health and Safety Statistics indicating that from 2013 to 2022 the mining sector has registered a 47 per cent decrease in the number of occupational fatalities (from 93 in 2013 to 49 in 2022); a 34 per cent drop in the number of injuries (from 3,126 in 2013 to 2,056 in 2022); and an overall 0.6 per cent decrease in the number of accidents reported. The Government further refers to measures taken to improve the health and safety of mineworkers, including: the promotion of stakeholders' collaboration in the implementation of health and safety programmes; the timely adoption of technologies and leading practices to protect health and safety; and the enhancement of health and safety monitoring and enforcement through focused inspections and audits. Regarding the statistical information, the Committee notes the information provided in the Mine Health and Safety Inspectorate Annual Report 2022/2023 and the Government's report, in particular regarding the number of inspections and audits carried out in mines (9,042 in 2018 and 8,399 in 2021); violations detected (5,886 in 2019 and 4,247 in 2021); and occupational diseases recorded (6,810 in 2013 and 1,924 in 2021). The Committee also notes the Government's indication that redoubled efforts to avoid loss of life in the mining sector are still needed. ***The Committee requests the Government to continue to provide information on the measures taken in this regard, including statistical information on the number of inspections carried out in mines and the number of violations detected, the number of corrective measures and penalties imposed, as well as the number of occupational accidents and cases of occupational disease reported in the sector. Noting the efforts to strengthen safety and health protection in the mining sector, the Committee asks the Government to provide further information on the reasons for the significant decrease in the number of cases of occupational disease recorded.***

The Committee is raising other matters in a request addressed directly to the Government was missing

Sweden

Occupational Safety and Health Convention, 1981 (No. 155) (ratification: 1982)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (ratification: 2008)

Previous comment on Convention No. 155

Previous comment on Convention No. 187

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on occupational safety and health (OSH), the Committee considers it appropriate to examine Conventions Nos 155 (OSH) and 187 (promotional framework for OSH) together.

The Committee notes the observations on Conventions Nos 155 and 187 of the Swedish Confederation for Professional Employees (TCO), Swedish Confederation of Professional Associations (SACO) and Swedish Trade Union Confederation (LO) transmitted by the Government.

Articles 9(1) of Convention No. 155 and Article 4(2)(c) of the Convention No. 187. Mechanisms for ensuring compliance with national laws and regulations, including inspection systems. Further to its previous

comments, the Committee notes the information provided by the Government regarding the increase in the number of inspections from 2020 to 2022. It notes the Government's information on the implementation of the national supervisory project, Vision Zero *(Nollvision)*, by the Swedish Work Environment Authority (SWEA), initially during the period of 2018–22, aimed at ensuring that employers effectively prevent accidents, incidents, and health hazards through systematic management of the work environment. The SWEA visited around 4,900 workplaces and carried out approximately 7,700 procedures, focusing on specific risks and sectors. It also notes that the SWEA issued remediation notices to 80 per cent of the inspected workplaces, imposed 60 immediate bans in cases of severe threats to workers' safety, and levied 330 penalty charges. The Committee further notes the Government's information on the expansion of the *Nollvision* on the Work Environment Strategy for 2021–25, which aims to shift the focus from preventing workplace fatalities to eliminating work-related deaths entirely. It notes that the Agency for Public Management (APM) evaluated the Work Environment Strategy for Modern Working Life 2016–2020, concluding that the SWEA has recruited and trained around 160 new work environment inspectors, but that the increase in the SWEA budget does not fully compensate for the costs arising from the adopted strategy. It notes that the APM assesses that a strengthening of the supervisory activities is well in line with the intentions of the strategy. In addition, the Committee notes the observations from LO, SACO and the TCO regarding the transformation of work environment inspectors from specialists to generalists, negatively impacting the identification of hazards in specialized areas such as construction or seasonal work. ***The Committee requests the Government adopt measures to further improve the inspection activities performed by the SWEA, as well as other measures to ensure that OSH laws and regulations are enforced by an adequate and appropriate system of inspection. It requests the Government to provide its comments regarding the observations of LO, SACO and the TCO on the impact of the change of inspectors from specialists to generalists.***

The Committee is raising other matters in a request addressed directly to the Government.

Bolivarian Republic of Venezuela

Occupational Safety and Health Convention, 1981 (No. 155) (ratification: 1984)

Previous comment

The Committee notes the joint observations on the application of the Convention sent by the Confederation of Workers of Venezuela (CTV), the General Confederation of Workers (CGT), the Federation of University Teachers' Associations of Venezuela (FAPUV), the National Union of Workers of Venezuela (UNETE), the United Federation of Workers of Venezuela (CUTV), the Confederation of Autonomous Trade Unions (CODESA), and the Independent Trade Union Alliance Confederation of Workers (CTASI); received on 31 August 2024. ***The Committee requests the Government to provide its comments in this respect.***

Articles 4, 5(d), 7 and 8 of the Convention. Implementation and periodic review of a coherent national policy on occupational safety and health and the working environment, and measures to give effect to the national policy in consultation with the most representative employers' and workers' organizations concerned. Further to its previous comments, the Committee notes with ***regret*** that the Government has not provided any information on the measures taken to ensure the holding of consultations with the most representative employers' and workers' organizations concerned regarding the implementation and periodic review of national policy relating to occupational safety and health (OSH) or on the steps taken to ensure that the situation regarding OSH and the working environment is reviewed at appropriate intervals. The Committee also notes the Government's indication that it is currently implementing the "Pedro Pascual Abarca" comprehensive action plan with the goal of reinforcing the development of national OSH policy and boosting the management of the National Institute for Occupational Safety,

Health and Prevention (INPSASEL), the body responsible for implementing national policy. The Government adds that the comprehensive action plan involves the participation of the Bolivarian councils of prevention delegates and OSH committees, which are composed of employers and workers form the various labour entities. The Government also indicates that activation of the management of INPSASEL at its central and regional offices has included training activities through the national training plan, the improvement of manuals of procedures for better application of the regulations in force and the conclusion of inter-institutional agreements on technical and scientific matters with public entities, including the agreement with the state enterprise Petróleos de Venezuela SA (PDVSA), the purpose of which is to establish cooperation mechanisms for promoting and reinforcing occupational safety in the petroleum industry.

The Committee also notes the joint observations of the CTV, CGT, FAPUV, UNETE, CUTV,CODESA and CTASI alleging that: (i) the most representative employers' and workers' organizations were not consulted regarding the implementation of national OSH policy or on its periodic review; (ii) collective labour agreements in the public administration which include clauses on OSH have not been observed and there are no negotiations to update these agreements, and so the workers have been totally neglected in this matter, including with regard to cases of occupational disease; and (iii) INPSASEL needs to expand training activities for prevention delegates and staff who form part of OSH committees. ***The Committee urges the Government to hold consultations without delay with the most representative employers' and workers' organizations concerned on the implementation and periodic review of national OSH policy, in accordance with Articles 4 and 8 of the Convention, and to provide specific information on the measures taken in this respect, including the employers' and workers' organizations consulted and the results of those consultations. The Committee once again requests the Government to provide information on the measures taken to ensure that the situation regarding occupational safety and health and the working environment, in particular in the petroleum, gas, electricity, cement, steel and healthcare sectors, is reviewed at appropriate intervals, as well as information on the outcome of this review, including the main problems identified, measures for resolving them and priorities for action.***

Article 5(e). Protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the national OSH and working environment policy. The Committee notes with ***regret*** that the Government has not replied to its previous comments. It also notes with ***concern*** the indications of the CTV, CGT, FAPUV, UNETE, CUTV, CODESA and CTASI in their joint observations referring to the persecution and arbitrary detention of persons who have reported various defects in OSH conditions. ***The Committee urges the Government to take steps without delay to ensure the full protection of workers and their representatives from disciplinary measures as a result of actions justifiably taken by them in conformity with national OSH policy in accordance with Article 5(e) of the Convention, and to provide information on the measures taken in this regard. Furthermore, with reference to its previous comments and the observations from the workers organizations, the Committee once again urges the Government to examine without delay, together with the trade union organizations concerned, the situation of the trade union leaders who have been adversely affected, with a view to ensuring full conformity with Article 5(e) of the Convention, and to provide information on the outcome of this examination and the measures taken as a result.***

Articles 6 and 15. Functions and responsibilities and coordination between the various authorities and bodies. Further to its previous comments, the Committee notes with ***regret*** that the Government has not provided any information on the steps taken to ensure that the National Council for Occupational Safety and Health becomes operational, or on the consultations held with the most representative employers' and workers' organizations to ensure the necessary coordination between the various authorities and bodies responsible for giving effect to the provisions of the Convention.

The Committee also notes the joint observations of the CTV, CGT, FAPUV, UNETE, CUTV, CODESA and CTASI alleging that: (i) the tripartite National Council for Occupational Safety and Health, tasked

with establishing guidelines to ensure the implementation of national OSH policy and the functioning of the bodies responsible for such implementation, is not operational; and (ii) the Government has so far acted unilaterally, without consulting the social partners in the formulation and implementation of national OSH policy.

The Committee further notes the information provided by the Government on the setting up of the Bolivarian councils of prevention delegates composed of workers' representatives from the various sectoral, regional and municipal labour bodies. The Committee observes that the Bolivarian prevention delegate councils indeed do not act as a central body for the coordination of measures to be applied under national OSH policy but that their functions include the formulation, implementation and evaluation of the OSH programme, coordination with the OSH service and committee of periodic inspections in workplaces , processing of workers' requests and complaints relating to OSH and monitoring of compliance with agreements concluded in this area among others,(sections 64 and 65 of Technical Standard No. 05 of 2024 on prevention delegates). ***The Committee therefore once again requests the Government to take the necessary steps without delay to ensure that the National Council for Occupational Safety and Health, established under section 36 of the Basic Act on prevention, conditions of work and the working environment (LOPCYMAT) of 2005, becomes operational. The Committee also once again urges the Government to provide information on the steps taken to ensure the necessary coordination between the various authorities and bodies tasked with giving effect to the provisions of the Convention, and also on consultations held with the most representative employers' and workers' organizations regarding these measures and on their outcome.***

Article 11(d). Holding of inquiries where cases of occupational accidents appear to reflect serious situations. Application of the Convention in practice. Occupational safety and health situation in the electricity, petroleum, gas, cement, steel and healthcare sectors. Further to its previous comments, the Committee notes the Government's indication that: (i) INPSASEL is currently investigating occupational accidents reported by labour entities or the workers affected in the electricity, petroleum, cement and healthcare sectors; and (ii) with regard to establishing criminal liability on the part of employers in relation to occupational accidents, prosecution offices Nos 63 and 78 with national competence were established, reporting to the Public Prosecutor's Office. The Government also provides information on the number of occupational accidents reported to INPSASEL by employers, disaggregated by year, in the petroleum, gas, cement and electricity sectors. In this regard, the Committee notes that between 2008 and March 2024 there were 14,743 occupational accidents in the petroleum and gas sectors, 7,840 accidents in the cement sector and 7,440 accidents in the electricity sector.

The Committee also notes with ***concern*** the indications of the CTV, CGT, FAPUV, UNETE, CUTV,CODESA and CTASI in their joint observations denouncing the following incidents: (i) in the petroleum and gas sector, six workers were injured and one died after an explosion at the state-owned Venezuelan Gas Industry plant in April 2023, which occurred because workers were put to work without adequate safety conditions; (ii) in the electricity sector, the Government's failure to address the situations described in their observations of 2022 continues to cause accidents. Workers are obliged to deal with power cuts without appropriate safety equipment in the wake of explosions and fires in power stations resulting from their deterioration or being abandoned; this led to the fatal electrocution of a National Electricity Corporation worker in August 2024 while undertaking operations to restore the service without safety equipment; (iii) in the steel sector, a worker at the Corporación Venezolana de Guayana Ferrominera Orinoco died in November 2022 because of unsafe working conditions, a situation which had been reported previously to INPSASEL by members of the workers' parliament of Guayana; and (iv) in the healthcare sector, according to a 2023 study carried out by the Venezuelan Trade Union Network, 62 per cent of health centres lack sufficient utensils for cleaning and disinfection, which poses a danger to health; 54 per cent of assistance centres do not have sufficient protective equipment for healthcare personnel, which exposes operators to possible infection; and 76 per cent of workers in healthcare centres are not treated with dignity at their workplace. Lastly, the above-mentioned

organizations allege that no dialogue forum has been established with them and that there is no information on investigations into accidents as requested by the Committee. ***The Committee therefore once again urges the Government to establish without delay a forum for dialogue with the most representative workers' organizations in order to discuss the necessary measures to be taken in relation to OSH conditions in the petroleum, gas, electricity, cement, steel and healthcare sectors, and to provide information on the measures taken as a result. The Committee also once again requests the Government to provide information on the investigations carried out by INPSASEL and prosecution offices Nos 63 and 78 into serious, very serious and fatal accidents in the electricity, petroleum, cement and healthcare sectors to which the Committee referred in its previous comment, and on serious, very serious and fatal accidents which have occurred to date.***

The Committee is raising other matters in a request addressed directly to the Government.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 13** *Chad, Djibouti, Guatemala, Romania, Russian Federation, Serbia, Slovenia, Spain, Suriname, Sweden, Venezuela (Bolivarian Republic of);* **Convention No. 115** *Djibouti, Ecuador, Germany, Ghana, Guyana, Japan, Lebanon, Russian Federation, Spain, Sweden, Syrian Arab Republic;* **Convention No. 119** *Ecuador, Ghana, Japan, Russian Federation, Serbia, Slovenia, Spain, Sweden;* **Convention No. 120** *Djibouti, Ghana, Indonesia, Japan, Lebanon, Russian Federation, Saudi Arabia, Slovakia, Spain, Venezuela (Bolivarian Republic of);* **Convention No. 127** *Guatemala, Honduras, Lebanon, Romania, Spain, Venezuela (Bolivarian Republic of);* **Convention No. 136** *Bolivia (Plurinational State of), Ecuador, Guyana, Lebanon, Romania, Serbia, Slovenia, Spain;* **Convention No. 139** *Ecuador, Guyana, Japan, Lebanon, Russian Federation, Serbia, Slovenia, Sweden, Syrian Arab Republic, Venezuela (Bolivarian Republic of);* **Convention No. 148** *Ecuador, Ghana, Guatemala, Kazakhstan, Lebanon, Russian Federation, San Marino, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden;* **Convention No. 155** *Cameroon, Gabon, Guyana, Iceland, Kazakhstan, Latvia, Lesotho, Luxembourg, Malawi, Mauritius, Montenegro, Netherlands, New Zealand, Niger, Nigeria, Norway, Russian Federation, Rwanda, Sao Tome and Principe, Serbia, Seychelles, Slovenia, South Africa, Spain, Sweden, Syrian Arab Republic, Venezuela (Bolivarian Republic of);* **Convention No. 161** *Gabon, Germany, Guatemala, Republic of Moldova, San Marino, Serbia, Seychelles, Slovakia, Slovenia, Sweden;* **Convention No. 162** *Bolivia (Plurinational State of), Ecuador, Germany, Japan, Kazakhstan, Russian Federation, Serbia, Slovenia, Spain, Sweden;* **Convention No. 167** *Bolivia (Plurinational State of), Gabon, Germany, Guatemala, Guinea, Kazakhstan, Russian Federation, Serbia, Slovakia, Sweden;* **Convention No. 170** *Germany, Lebanon, Sweden, Switzerland, Syrian Arab Republic;* **Convention No. 174** *Russian Federation, Saudi Arabia, Slovenia, Sweden, Switzerland;* **Convention No. 176** *Germany, Guinea, Lebanon, Russian Federation, Slovakia, South Africa, Spain, Sweden;* **Convention No. 184** *France, Ghana, Malawi, Sao Tome and Principe, Serbia, Sweden;* **Convention No. 187** *Germany, Greece, Guinea, Iceland, Indonesia, Iraq, Japan, Kazakhstan, Luxembourg, Malawi, Malaysia, Mauritius, Montenegro, Morocco, Niger, Norway, Russian Federation, Rwanda, Serbia, Slovakia, Slovenia, Spain, Sweden, Tunisia, Uzbekistan.*

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 115** *Slovakia;* **Convention No. 136** *Slovakia;* **Convention No. 139** *Germany, Slovakia;* **Convention No. 184** *Slovakia.*

Social security

Chad

Social Security (Minimum Standards) Convention, 1952 (No. 102) (ratification: 2015)

Previous comment

Article 63(2) of the Convention. Reduced survivors' benefit. The Committee observed previously that, in the event of the death of an insured person who, at the date of death, had completed fewer than 15 years of insurance, the survivors are entitled to a survivors' benefit payable in a lump sum. The Committee recalls that, in accordance with *Article 63(2)* of the Convention, a reduced periodical benefit shall be secured at least to a person protected whose breadwinner has completed, in accordance with the prescribed rules, a qualifying period of five years of contribution or employment. ***Noting the absence of information on this subject in the Government's report, the Committee once again requests the Government to ensure the provision of a reduced periodical survivors' benefit where the breadwinner has completed five years of insurance.***

The Committee is raising other matters in a request addressed directly to the Government.

Guinea

Equality of Treatment (Social Security) Convention, 1962 (No. 118) (ratification: 1967)

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) (ratification: 1967)

Previous comment on Convention No. 118

Previous comment on Convention No. 121

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on social security, the Committee considers it appropriate to examine Conventions Nos 118 (equality of treatment, social security) and 121 (employment injury benefit) together.

Article 5 of Convention No. 118. Payment of benefits abroad. The Committee notes the Government's indication in its report that old-age and survivors' benefits, death grants and employment injury pensions are only paid if the insured person is a resident in the country. The Government adds that section 215 of the draft Social Security Code provides for the adoption of reciprocity agreements with other countries, particularly for the transfer of the rights of migrant workers. The Committee also observes that, according to the Government's indications, Guinea adhered in June 2023 to the treaties of the Inter-African Conference on Social Welfare (CIPRES), which are intended to maintain acquired social security rights in the event of residence on the territory of another Contracting Party.

The Committee recalls that, under the terms of *Article 5* of the Convention, each Member shall guarantee both to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention in respect of the branch in question, when they are resident abroad, the provision of invalidity benefits, old-age benefits, survivors' benefits and death grants, and employment injury pensions, even in the absence of bilateral or multilateral social security agreements. ***The Committee therefore requests the Government to take the necessary measures, particularly in the context of the revision of the Social Security Code, to ensure the provision of the above benefits abroad to nationals of Guinea and to nationals of Member States that have ratified and accepted the same branch of the Convention, including in the absence of bilateral or multilateral agreements.***

Articles 6 and 10 of Convention No. 118. Payment of benefits to families. The Committee notes the absence of specific information in the Government's report concerning the Committee's previous

request to ensure the provision of family allowances to insured persons whose children are resident abroad, as provided for in *Articles 6* and *10* of the Convention. ***The Committee once again urges the Government to take the necessary measures to ensure the provision of family allowances to insured persons, whether they are nationals of Guinea or nationals of States which have accepted the obligations of the Convention for branch (i) (family benefit) of Article 2(1), whose children are resident on the territory of one of these States, as well as to refugees and stateless persons, without any condition of reciprocity.***

Article 22(2) of Convention No. 121. Provision of employment injury benefit to dependants. The Committee observes, according to the Government's indication, that the new Social Security Code provides for the adoption of a decree setting out the cases and the limits within which, in the event of the suspension of employment injury benefit, part of the benefit shall be provided to the dependants of the beneficiary. The Government indicates that the decree will be provided to the Office once it has been adopted. ***The Committee hopes that the decree will be adopted in the near future within the context of the revision of the Social Security Code and requests the Government to provide information on any progress achieved in this regard.***

The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard within the context of the revision of the Social Security Code.

The Committee is raising other matters in a request addressed directly to the Government.

Guyana

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42) (ratification: 1966)

Previous comment

Article 2 of the Convention. Schedule. List of occupational diseases. The Committee notes that the national list of occupational diseases included in the Third Schedule of the National Insurance and Social Security (Industrial Benefit) Regulations (No. 34 of 1969) is not fully aligned with the list of diseases and toxic substances contained in the Schedule appended to *Article 2* of the Convention. ***The Committee requests the Government to take the necessary measures to bring the Third Schedule of the National Insurance and Social Security (Industrial Benefit) Regulations (No. 34 of 1969) into conformity with Article 2 of the Convention.***

The Committee recalls that the ILO Governing Body at its 346th Session, October–November 2022, on the recommendation of the Standards Review Mechanism Tripartite Working Group, acknowledged the classification of Convention No. 42 as outdated, and placed an item on the agenda of the 121st Session of the International Labour Conference (2033) for the consideration of its abrogation.

The Governing Body requested the Office to undertake follow-up action to actively encourage the ratification of up-to-date instruments, Convention No. 121 and/or Convention No. 102 (Part VI), concerning employment injury benefits. ***In this context, the Committee encourages the Government to consider ratifying the most up-to-date instruments in this subject area.***

Haiti

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12) (ratification: 1955)

Workmen's Compensation (Accidents) Convention, 1925 (No. 17) (ratification: 1955)

Sickness Insurance (Industry) Convention, 1927 (No. 24) (ratification: 1955)

Sickness Insurance (Agriculture) Convention, 1927 (No. 25) (ratification: 1955)

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42) (ratification: 1955)

The Committee notes that the Government's reports have not been received despite its urgent appeal in 2019. It is therefore bound to repeat its previous comments.

While noting the difficult situation experienced by the country, the Committee notes with ***deep concern*** that the Government's reports, which have been due since 2013, have not been received. In light of the urgent appeal made to the Government in 2019, the Committee is proceeding with the examination of the application of the Conventions on the basis of the information at its disposal.

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on social security, the Committee considers it appropriate to examine Conventions Nos 12 (workers' compensation, agriculture), 17 (workers' compensation, accidents), 24 (sickness insurance, industry), 25 (sickness insurance, agriculture) and 42 (revised, workers' compensation, occupational diseases) together.

Article 1 of Conventions Nos 12, 17 and 42, application in practice. Guaranteeing effective coverage and the right of workers and their dependants to compensation in the event of employment accidents and occupational diseases. In its previous comments, the Committee noted that most agricultural workers are excluded from the scope of application of social security legislation, including the Act of 28 August 1967 establishing the Employment Injury, Sickness and Maternity Insurance Office (OFATMA), due to the absence of formal agricultural enterprises. The Committee also noted difficulties in the application of the legislation, even in relation to workers in the formal economy. Moreover, the Confederation of Public and Private Sector Workers (CTSP), in its observations received in 2019, alleges that the legislation in force does not cover apprentices and that, in practice, municipal and State workers and domestic workers are not covered by employment accident insurance.

In this regard, the Committee observes that, according to the information contained in the National Social Protection and Promotion Policy (PNPPS) adopted by the Government in April 2020, employment accident and occupational disease insurance only covers the formal economy, and mainly workers in the textile and apparel industries. The Committee also notes from the PNPPS, that these industries are still characterized by a high rate of non-conformity with occupational safety and health standards (an average of 76.5 per cent), even though there is a high risk of accidents. Indeed, the last report of the OFATMA, published in 2014–15, and quoted in the PNPPS, indicates that 2,522 employment accidents were processed (2,030 men), 42 per cent of which were in the textile and apparel industries and in construction. According to the same report, employment accident benefits, paid to 1,365 persons, amounted to HTG 17.6 million. In the agricultural sector, the PNPPS reports that 94.7 per cent of the workers are paid below the minimum wage and that the work is still principally informal.

Finally, the Committee notes with ***concern*** the indications contained in the PNPPS that the OFATMA does not cover occupational diseases, as required by the law.

On the basis of the information at its disposal, the Committee is bound to conclude that the significant gaps in coverage reported previously by the Government continue to exist and that the great majority of workers in Haiti, and their dependants, are not covered by compensation in the event of employment accidents and occupational diseases, and that effect is not therefore given to *Article 1* of Conventions Nos 12, 17 and 42. However, the Committee notes that, with a view to remedying the gaps in protection, the PNPPS sets as a specific objective the protection of all men and women workers against the risks of employment injury and economic dependence related to invalidity as a result of an employment accident, as well as cases of occupational diseases, through the extension of insurance within the framework of the reform of social

security institutions. With reference to the coverage of agricultural workers, the PNPPS provides for insurance subsidies for livelihoods as a financial support mechanism for the resilience of self-employed workers and small enterprises and undertakings in the agricultural and fishing sectors.

Observing that the objectives of the PNPPS are in line with the objectives of Conventions Nos 12, 17 and 42, and that the measures envisaged will reinforce the application of Article 1 of these Conventions, the Committee requests the Government to provide information on the progress achieved in their implementation, and particularly with reference to the extension of coverage of compensation for employment accidents and occupational diseases to the workers covered by these Conventions. The Committee also requests the Government to provide information on any other measures adopted or envisaged to ensure the effective entitlement of these workers to compensation in the event of employment accidents and occupational diseases.

Articles 1, 2 and 6 of Conventions Nos 24 and 25. Establishment of a system of compulsory sickness insurance for the effective protection of workers and their families in the event of sickness. In its previous comments, the Committee noted the Government's intention to continue its efforts to progressively establish a sickness insurance branch covering the whole of the population. In this regard, the Committee emphasized the need to the Government to envisage as a priority the establishment of mechanisms to provide the population as a whole, including workers in the informal economy and their families, with access to basic health care and to a minimum income in cases where their earnings capacity is affected as a result of sickness, an employment accident or an occupational disease, and it drew attention to the relevance of the guidance provided in this regard in the Social Protection Floors Recommendation, 2012 (No. 202).

The Committee notes the information contained in the PNPPS reporting the limited coverage of social protection, with the exception of sickness insurance, with 500,000 persons being covered directly by the OFATMA. The Committee notes that, despite the existence of sickness insurance, the PNPPS indicates that the sick, and particularly the poorest, make very little use of health services because of the high cost of direct payments for health care, which are paid by users, and the prevalence of private profit-making institutions in the provision of health care and services. The Committee recalls in this respect that Conventions Nos 24 and 25 require the establishment of a system of compulsory sickness insurance (*Article 1)* for the provision of medical care and sickness benefits to all manual and non-manual workers, including apprentices, employed in industrial, commercial and agricultural undertakings, as well as homeworkers and domestic workers (*Article 2*), and medical benefit for members of their families, as appropriate (*Article 5). Article 6* of the Conventions adds that sickness insurance shall be administered by self-governing institutions under the administrative and financial supervision of the public authorities and shall not be carried out with a view to profit, and that private institutions must be specially approved by the public authorities.

As it emphasized in previous comments, and taking into account the situation experienced in Haiti, the Committee considers that it is still necessary for the Government to envisage as a priority the establishment of mechanisms to provide the population as a whole, including workers in the informal economy and their families, with access to basic health care and a minimum income when their earnings capacity is affected as a result of sickness, an employment accident or occupational disease, in line with the guidance contained in Recommendation No. 202. In this regard, while reiterating its concern at the absence of a Government report, the Committee takes due note that, according to the information contained in the PNPPS, health insurance is currently being set up progressively, with a view to the extension of coverage to self-employed workers in the informal economy on the basis of a subsidy which would make it possible to collect contributions from workers, in accordance with their contributory capacity.

In light of the above, the Committee requests the Government to report on the progress achieved in extending statutory and effective coverage of compulsory sickness insurance and the sickness insurance scheme to workers in Haiti and the members of their families, as appropriate, and any specific measures taken for this purpose.

Article 8, in conjunction with Articles 6, 7, 10 and 11 of Convention No. 17, and Article 6 of Conventions Nos 24 and 25. Responsibility of the State for the establishment, control and administration of the compensation scheme for employment accidents and sickness insurance. The Committee notes the allegations made by the CSTP, in its 2019 observations, according to which there are failings in the application of several Articles of Convention No. 17, due to problems related to the management and organization of the OFATMA. The CSTP indicates, more specifically, that: (i) *Article 6* of Convention No. 17 is not applied in practice due to the delays in the provision by the OFATMA of the benefits payable as from the fifth day: (ii) the additional compensation

required by *Article 7* of the Convention is not paid; (iii) the supply and renewal of artificial limbs and surgical appliances, envisaged in *Article 10* of the Convention, is not implemented; and (iv) the payment of compensation to workers who are victims of accidents and their dependants is not ensured in the event of the insolvency of the employer or insurer, as required by *Article 11* of the Convention, due to the very weak system for the enforcement of the legislation. The CSTP also alleges a lack of transparency in the administration of the OFATMA. Finally, the CSTP alleges that the Board of Directors of Social Security Organizations (CAOSS), a tripartite body administering State social protection and social security institutions, is dysfunctional, which is affecting the methods of controlling employment accidents. In view of the above, the CSTP therefore emphasizes the need to deal at a higher level in a framework of social dialogue, with ILO support, with the situation of tripartite social protection and social security bodies, while carrying out actuarial studies and audits of the OFATMA and discussing once again a deep-rooted reform of the Ministry of Social Affairs and Labour (MAST). The Committee also notes the information provided by the Confederation of Haitian Workers (CTH) and the Confederation of Public and Private Sector Workers (CSTP) to the International Trade Union Confederation (ITUC), and received in 2020, indicating that, in practice, contributions are not paid to the social security system by employers or the authorities and that workers who dare to present claims are dismissed.

The Committee notes that the Decent Work Country Programme (DWCP) 2015–20, approved by the ILO tripartite constituents, should have resulted in the reform of the social security legislation, as well as an improvement in the effectiveness of the contributions system and the sound operation of the tripartite administration of social protection institutions. The Government also made a commitment in this framework to strengthen the role and technical capacities of the CAOSS, the National Office of Old-Age Insurance (ONA), the OFATMA and other key institutions with a view to the progressive extension of social protection coverage. The Committee notes that these objectives are taken up, at least in part, in the 2020 PNPPS, which indicates that the provisions of social security laws and regulations will be extended with a view to rationalizing the administration of schemes that is currently undertaken by several institutions and facilitating the transfer of the rights of contributors. The strengthening of the CAOSS is also planned alongside the reforms of the ONA and the OFATMA envisaged in the PNPPS in relation to social protection. The Committee observes that these objectives are in line with the improved application of *Article 6* of Conventions Nos 24 and 25 and *Article 8* of Convention No. 17 which establish, respectively, the responsibility of the State for the administration of sickness insurance schemes and for the adoption of the measures of supervision necessary for the effective implementation of employment accident compensation schemes.

In light of the above, the Committee expresses the firm hope that the objectives set out in the DWCP and the PNPPS in relation to the strengthening of social security and social protection institutions and their sound governance will be achieved and emphasizes the importance of social dialogue in this respect. It requests the Government to provide information on any progress achieved in this respect. In particular, the Committee requests the Government to report any measures adopted or envisaged to improve the administration of social security bodies and institutions, the collection of contributions and in general to ensure the establishment in practice of social insurance schemes, particularly for employment accidents and occupational diseases, in conformity with Article 8 of Convention No. 17 and Article 6 of Conventions Nos 24 and 25.

The Committee has been informed that, based on the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM Tripartite Working Group), the Governing Body has decided that Member States for which Conventions Nos 17 and 42 are in force should be encouraged to ratify the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), and/or the Social Security (Minimum Standards) Convention, 1952 (No. 102), and accept the obligations in its Part VI (GB.328/LILS/2/1). Member States for which Conventions Nos 24 and 25 are in force should be encouraged to ratify the Medical Care and Sickness Benefits Convention, 1969 (No. 130), and/or the Social Security (Minimum Standards) Convention, 1952 (No. 102), and accept the obligations in its Parts II and III. Conventions Nos 121, 102 and 130 reflect the more modern approach to employment injury benefit and medical care and sickness benefit. ***The Committee therefore encourages the Government to follow up the Governing Body's decision at its 328th Session (October–November 2016) approving the recommendations of the SRM Tripartite Working Group and to consider ratifying Convention No. 121 and/or Convention No. 102 (accepting the obligations in Part VI), and Convention No. 130 and/or Convention No. 102 (accepting the obligations in Parts II and III), as the most up-to-date instruments in these subject areas.***

The Committee reminds the Government of the possibility to avail itself of ILO technical assistance in relation to the matters raised above.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Honduras

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42) (ratification: 1964)

Previous comment

The Committee notes the observations of the Honduran National Business Council (COHEP), received on 1 October 2020, and the Government's reply to them. It also notes the Government's report and the observations of the COHEP, received on 30 August 2024.

Article 1 of the Convention. Notification of occupational diseases. The Committee recalls that for several years it has been drawing the Government's attention to the operational difficulties of the system for the notification of occupational diseases. The Committee notes that, according to the Government, there is still no system for the notification of occupational diseases, despite the fact that the General Directorate of Labour Inspection has electronic platforms which facilitate the notification by enterprises of employment accidents which occur on their premises. In this regard, the Committee notes the Government's indication that it would be appropriate for the requirement to notify occupational diseases to be covered by the reforms to the Labour Code, provided that the corresponding opinion for its qualification has been issued by the competent authorities. The Committee notes with ***regret*** that no internal provision regarding the employer's obligation to notify occupational diseases has been adopted. Finally, the Committee notes that, in accordance with section 435 of the Labour Code, it is only compulsory for employers to notify employment accidents, but not occupational diseases. ***Under these conditions, the Committee expects that the reforms of the Labour Code referred to above will permit the establishment of an effective system for the notification of occupational diseases which, as recognized by the Government, is of a compulsory nature. The Committee also requests the Government to provide statistical data on the number of occupational diseases notified to the competent authorities.***

Recommendations of the Tripartite Working Group of the Standards Review Mechanism (SRM). The Committee recalls that the Governing Body, at its 346th Session (October–November 2022), upon the recommendation of the Tripartite Working Group of the SRM, confirmed the classification of Convention No. 42 as an outdated instrument and has included an item for its derogation or withdrawal on the Agenda of the 121st Session of the International Labour Conference (2033).

The Governing Body requested the Office to take follow-up measures to actively encourage the ratification of up-to-date instruments, namely Convention No. 121 and/or Convention No. 102 (Part VI) on employment injury benefits. ***The Committee therefore encourages the Government to envisage the possibility of ratifying the most up-to-date instruments in this thematic area.***

Ireland

Social Security (Minimum Standards) Convention, 1952 (No. 102) (ratification: 1968)

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) (ratification: 1969)

Previous comment on Convention No. 102

Previous comment on Convention No. 121

In order to provide an overview of the issues relating to the application of ratified social security Conventions, the Committee considers it appropriate to examine Conventions Nos 102 and 121 together.

Article 9(3)(a) of Convention No. 121 and Article 18(1) of Convention No. 102. Waiting period. The Committee notes with ***satisfaction*** that the number of waiting days for Injury Benefits and Illness Benefits was reduced from six to three days, in line with sections 5 and 8 of the Social Welfare Act 2020, No. 30. The Committee further notes that as of 1 January 2024, employees are entitled to a statutory paid sick leave for the first five days of incapacity for work per calendar year, as per the Sick Leave Act of 2022.

Part III (Sickness benefit), Article 17, and Part IV (Unemployment benefit), Article 23, of Convention No. 102. Length of the qualifying period. For many years, the Committee has been noting that the qualifying period of 2 years (104 weeks of pay related social insurance, PRSI) for entitlement to the Illness Benefits and Jobseeker's Benefits is excessively long. In particular, the Committee recalled that *Articles 17* and *23* of the Convention allow only "such a qualifying period as may be considered necessary to preclude abuse". The Committee also notes that the issue of the length of the qualifying period for sickness and unemployment benefits has been raised in the context of the application of Articles 17 and 23 of the European Code of Social Security (Code) of the Council of Europe by Ireland, which has the same requirements as the Convention. In this respect, the Committee takes note that an ILO mission, requested by the Government, visited Dublin on 22 February 2024 to discuss conformity between national legislation and Articles 17 and 23 of the Code with representatives of the Department of Social Protection of the Government and the Council of Europe.

The Committee notes the Government's indication in its report that the contribution requirements, particularly the requirement to have 104 weeks of PRSI, for entitlement to the Illness Benefits and Jobseeker's Benefits are proportionate and appropriate given the longer payment duration of these benefits (up to two years). The Government further indicates that persons who do not qualify for the Illness Benefits and Jobseeker's Benefits are provided with means-tested benefits under the supplementary welfare allowance scheme.

The Committee once again recalls that under *Articles 17* and *23* of the Convention, the qualifying period for sickness and unemployment benefits can be established as necessary to preclude abuse, that is, to prevent the possible enrolment to the scheme for the sole purpose of acquiring entitlement to benefits. The Committee further points out that the qualifying period under *Articles 17* and *23* of the Convention shall not be excessively long since it shall provide access to minimum benefits at rates and duration set out by Parts III and IV of the Convention.

While noting the objective of the national legislation to maintain a balance between the qualifying conditions and the corresponding duration of the benefit, the Committee observes that the current design of the Illness Benefits and Jobseeker's Benefits results in obstructing access of the persons protected to the minimum benefits guaranteed by the Convention due to the excessively long qualifying period. ***The Committee once again strongly requests the Government to take the necessary measures to ensure that the qualifying period for the Illness Benefits and Jobseeker's Benefits is in conformity with Articles 17 and 23 of the Convention. Taking into account the Government's reference to the***

supplementary welfare allowance scheme, the Committee recalls that the Government may consider applying Parts III and IV of the Convention based on means-tested benefits and provide the necessary information, as requested by the report form for the Convention.

The Committee is raising other matters in a request addressed directly to the Government.

Italy

Social Security (Minimum Standards) Convention, 1952 (No. 102) (ratification: 1956)

Equality of Treatment (Social Security) Convention, 1962 (No. 118) (ratification: 1967)

Previous comment on Convention No.102

Previous comment on Convention No. 118

In order to provide an overview of issues relating to the application of ratified social security Conventions, the Committee considers it appropriate to examine Conventions Nos 102 and 118 together.

Article 29(2)(a), in conjunction with Article 26, of Convention No. 102. Reduced benefit after 15 years of insurance. The Committee previously noted that the minimum qualifying period for an old-age pension is 20 years (1,040 weeks) of contribution, provided that the amount of pension must be at least 1.5 times the minimum monthly amount of social allowance. The Committee further noted that workers insured after 1 January 1996 with less than 20 years of contribution are entitled to a contributory pension (regardless of the amount) only at 71 years if they have accrued at least five years of effectively paid contributions.

The Committee notes from the Government's report that no legislative changes have been made in this respect. The Committee recalls that *Article 29(2)(a)* of the Convention requires reduced old-age benefits to be provided after completing a qualifying period of 15 years of contribution. The Committee points out that the reduced old-age benefit shall be provided at the pensionable age (67 years in Italy) and shall not be contingent upon the amount of the pension. ***The Committee requests the Government to take the necessary measures to ensure that all persons protected have the right to a reduced social insurance pension after 15 years of contribution, upon reaching the pensionable age and regardless of the pension amount.***

Article 6. Branch (i) family benefit, Article 2, of Convention No. 118. The Committee previously noted that in the absence of a social security agreement, the family allowance was granted to third-country workers if a family member resided in Italy. The Committee recalled that *Article 6* of the Convention requires family benefits to be granted to the nationals of any other Member which has accepted branch (i) family benefit of the Convention, in respect of children who reside on the territory of any such Member.

The Committee notes with ***satisfaction*** that, according to the Government, following the Judgments of the Court of Justice of the European Union of 25 November 2022 (Cases C-302/19 and C-303/19) and Judgment No. 67 of the Italian Constitution Court of 11 March 2022, the entitlement to the family allowance has been recognized for third-country workers whose children reside abroad. The Committee further takes note of Circular No. 95/2022 issued by the National Institute of Social Security, which determines the procedure for providing the family allowance to third-country workers whose children reside abroad.

The Committee is raising other matters in a request addressed directly to the Government.

Kenya

Workmen's Compensation (Accidents) Convention, 1925 (No. 17) (ratification: 1964)

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Legislative reform. Further to its previous comments, in which it took note of the ongoing process of amendment of the Work Injury Benefits Act, 2007 (WIBA, 2007) and development of a new legislation that would address current gaps, the Committee notes the indication provided by the Government in its report that a Bill is now before the National Treasury to seek concurrence on the financial implications if enacted. The Committee further notes with ***interest*** that the Government has initiated a process to develop the Occupational Diseases Fund established by the Bill into a social insurance-based employment injury scheme, and that the first high-level Social dialogue meeting to address this matter was held on 23 September 2020. ***The Committee expects that these legislative developments will give full effect to the Convention and that its comments will be duly taken into account for this purpose. The Committee requests the Government to keep it informed of the adoption of the bill and of the establishment of the Occupational Diseases Fund, and of the adoption of any other measures related to their implementation.***

Article 5 of the Convention. Payment of compensation for permanent incapacity or death in the form of periodical payments. In its previous comments, the Committee noted that, in accordance with section 30 of the WIBA, 2007, an employee who suffered permanent disablement was entitled to a lump-sum payment equivalent to 96 months' earnings. It invited the Government to review the WIBA, 2007, so as to compensate victims of occupational accidents suffering permanent incapacity, or their dependants in cases of fatal accidents, with periodical payments and to limit compensation by way of lump sum to cases where the competent authority was satisfied that it would be properly utilized. The Committee notes the indication provided by the Government that the new social insurance-based employment injury scheme "will introduce periodical payments for victims of occupational accidents suffering permanent incapacity or survivors of victims of occupational fatalities", and that in cases of payment of a lump sum, the Government agency under which the scheme will be administered will ensure that compensation will be paid on assurance that the lump sum will be properly utilized. ***The Committee hopes that the Government will take the necessary measures to ensure that permanently injured workers or their dependents, as the case may be, are provided with compensation in the form of periodical payments, in accordance with Article 5 of the Convention, under the new employment injury insurance scheme. The Committee also hopes that, in cases where compensation is paid in the form of a lump sum, the Government will put in place the necessary safeguards to ensure that it is properly used by beneficiaries. The Committee requests the Government to provide information on the measures taken for these purposes upon adoption of the new employment injury insurance scheme.***

Articles 9 and 10. Provision of medical, surgical and pharmaceutical aid free of charge. In its previous comments, the Committee noted that section 47 of the WIBA, 2007, provides that an employer must defray reasonably incurred medical expenses which occurred after an occupational accident. The Committee further noted the indication by the Government that the term "reasonable expenses" would be defined at the occasion of the review of the WIBA, 2007, so as to include all medical intervention necessary and welcomed the Government's indication that Clause 55 of the Bill would contain a list of the expenses incurred by an employee as the result of an accident arising out of, and in the course of, the employee's employment to be defrayed by the employer. ***The Committee hopes that the Government will take the necessary measures, without further delay, to ensure that injured workers are provided, free of charge, with all the medical, surgical and pharmaceutical aid as well as with the artificial limbs and surgical appliances that are recognized to be necessary in consequence of accidents at work, without limitation of cost, with a view to give full effect to Articles 9 and 10 of the Convention. The Committee requests the Government to provide information on the legislative provisions and other measures adopted or envisaged for that purpose.***

Article 11. Compensation of industrial accidents in the event of the insolvency of the employer or insurer. In its previous comments, the Committee noted that the WIBA, 2007, did not provide the necessary arrangements to ensure in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workers who suffer personal injury due to industrial accidents, as required by *Article 11* of the Convention. ***The Committee hopes that the Government will take advantage of the ongoing***

legislative reform to address this issue and requests the Government to provide information on the measures taken or envisaged to ensure that victims of occupational accidents and their dependents are provided with the compensation they are entitled to in all circumstances, in line with Article 11 of the Convention.

The Committee has been informed that, based on the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM Tripartite Working Group), the Governing Body has decided that member States for which the Convention is in force should be encouraged to ratify the more recent Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), or the Social Security (Minimum Standards) Convention, 1952 (No. 102), and accept its Part VI (see GB.328/LILS/2/1). Conventions Nos 121 and 102 reflect the more modern approach to employment injury benefits. ***The Committee therefore encourages the Government to follow up the Governing Body's decision at its 328th Session (October–November 2016) approving the recommendations of the SRM Tripartite Working Group and to consider ratifying Convention No. 121 or Convention No. 102 (Part VI) as the most up-to-date instruments in this subject area, taking opportunity of the ongoing legislative review and of the establishment of an employment injury insurance scheme.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

North Macedonia

Sickness Insurance (Industry) Convention, 1927 (No. 24) (ratification: 1991)

Sickness Insurance (Agriculture) Convention, 1927 (No. 25) (ratification: 1991)

Previous comment

Article 2(1) and (3) of Conventions Nos 24 and 25. Persons protected. Mandatory coverage of apprentices. The Committee takes note of the information provided by the Government in its report that all insured persons are entitled to sickness benefits. The Committee observes in this regard that apprentices are not included in the list of mandatorily insured persons, contained in section 5 of the Law on Health Insurance. The Committee further observes that section 13 of the same Law does not expressly recognize the right of apprentices to cash benefits for at least the first 26 weeks of incapacity due to sickness. The Committee also notes that the Government does not make specific reference to the legal provisions providing for the mandatory coverage of apprentices. The Committee recalls that *Article 2(1) and (3)* of the Conventions provide for the compulsory coverage of apprentices, even if through a special scheme with equivalent benefits. ***The Committee therefore requests the Government to take the necessary measures to ensure that apprentices are covered by compulsory sickness insurance, either by including them in the list contained in section 5 of the Law on Health Insurance or through a special scheme with equivalent benefits.***

Panama

Seafarers' Pensions Convention, 1946 (No. 71) (ratification: 1971)

Previous comment

The Committee notes the observations of the National Confederation of United Independent Unions (CONUSI), received on 30 August 2024. ***The Committee requests the Government to provide its comments in this respect.***

The Committee notes with ***regret*** that the Government indicates in its report that it has not received the information requested from the Social Insurance Fund, despite the time that has elapsed.

Article 3(1) of the Convention. Pension scheme for seafarers. ***The Committee expects that the Government will provide information as soon as possible on the average wages of seafarers affiliated***

to the system and also the average amounts of pensions paid by the system to insured persons who have made a total of 240 monthly contributions (20 years).

Article 3(2). Contribution of insured persons to the cost of pensions. The Committee recalls that, under *Article 3(2)* of the Convention, seafarers collectively shall not contribute more than half the cost of the pensions payable under the scheme. ***In this regard, the Committee expects that the Government will provide information as soon as possible on what proportion of the financing of pensions for the years covered by the report is constituted by the contributions paid by insured persons.***

Peru

Seafarers' Pensions Convention, 1946 (No. 71) (ratification: 1962)

Previous comment

The Committee notes the observations of the Autonomous Workers' Confederation of Peru (CATP), received on 1 September 2024.

Article 3(1) of the Convention. Temporary suspension of contracts during the closed season. The Committee notes the Government's indication in its report, in Conclusion No. 5 of the Multi-sectoral Working Group established pursuant to Ministerial Decision No. 248-2014-TR, the Sectoral Commission was informed that fishers affiliated to the Special Fishing Regime (REP) found it difficult to achieve the 15 weeks of contributions required to credit years of contributory service. The Committee also notes that, in order to address this difficulty, draft legislation is being proposed that would allow fishers, for the purpose of crediting the 15 weeks of contributions that constitute one year of work in fishing, to count on an exceptional basis up to a maximum of 4 weeks of work performed in activities complementary to fishing during periods of fishing inactivity, provided that such work is remunerated and carried out under the authority of the shipowner. ***The Committee requests the Government to provide information on any developments in the above-mentioned draft legislation.***

Article 3(1)(a) and (2). Fishery workers. Minimum replacement rate and contribution to financial sustainability. The Committee notes the information provided by the Government regarding the REP retirement pension, regulated by Act No. 30003 of 21 March 2013, which provides for a replacement rate of 24.6 per cent of the insurable remuneration for the five last years of work in fishing. The Committee also notes the CATP's indication that this replacement rate is lower than that provided in the Convention, since for the minimum 25 years of service required for pension eligibility the replacement rate would have to be 37.5 per cent. The Committee recalls that, in light of *Article 3(1)(a)(ii)*, pensions may not be at a rate less than 1.5 per cent, for each year of sea service, of the remuneration on the basis of which contributions were paid for that year, if the scheme provides pensions on attaining the age of 55 years, as is the case with the REP retirement pension. Lastly, the Committee notes the promulgation of Act No. 32123 of 24 September 2024 modernizing the Peruvian pension system. ***The Committee requests the Government to take the necessary measures to ensure that the minimum replacement rate of the retirement pensions of fishery workers complies with Article 3(1)(a)(ii) of the Convention. In addition, it requests the Government to provide information on the implications of the adoption of Act No. 32123 in this area.***

With regard to the requirement that, in accordance with Article 3(2), seafarers collectively shall not contribute more than half of the cost of the pensions payable, the Committee once again requests the Government to provide information in respect of the REP.

Article 3(1)(a) and (2). Pensions of seafarers engaged on maritime, river and lake service. Replacement rate and collective financing. The Committee notes the information provided by the Government concerning the characteristics of the Special Regime for seafarers engaged on maritime, river and lake service, included under the National Pensions System and administered by the Insurance Standardization Office. ***With regard to the information requested to verify compliance with the***

provisions of Article 3(2) of the Convention, the Committee reiterates its request to the Government to provide information on the amount of the overall remuneration on which the contributions paid during the period under consideration under the Special Regime for seafarers engaged on maritime, river and lake service were based, specifying the percentage of the total sum of pensions paid that this amount represents, in order to demonstrate that the workers concerned do not collectively contribute more than 50 per cent of the cost of the pensions payable.

Article 3(1)(a)(ii). Former employees of the Peruvian Steam Ship Company (CPV). ***The Committee again requests the Government to take the necessary measures to ensure that the rate of the pensions paid to former employees of the CPV, who were previously seafarers and have completed a prescribed period of sea service, is in any case at least equal to the rate resulting from the application of the minimum replacement rate prescribed in Article 3(1)(a)(ii) of the Convention, revising, if necessary, the ceiling applicable to these pensions.***

Article 4(4). Right to participate in management. ***The Committee once again requests the Government, with respect to the management of the private pension system (SPP), to take the necessary measures to ensure that the representatives of the shipowners and seafarers who contribute to the cost of the pensions payable under the scheme participate in the management of the scheme, as provided in Article 4(4) of the Convention.***

Application of the Convention in practice. Ruling by the Supreme Court of Justice. The Committee takes due note that the Ministry of Economic and Financial Affairs has taken steps to comply with the ruling handed down by the Transitional Civil Chamber of the Supreme Court of Justice of 24 November 2009, the enforcement of which is the responsibility of the Tenth Civil Court of Lima. The Committee also notes that payment of the principal amount owed plus interest (US$2,420,615.52) is to be made over five years, in fiscal years 2023 to 2027, at a rate of one fifth of the amount due per year. Lastly, the Committee notes that the first two payments were made on 31 May 2023 and 13 February 2024. ***The Committee expects that the Government will ensure that the ruling is fully implemented in a timely manner by paying the three remaining instalments.***

With respect to the settlement of outstanding benefits owed, the Committee notes the payments made to 268 labour creditors for a total of 2,652,966.01 Peruvian soles and to 5,567 pensioners for benefits owed (for amounts owed prior to the start of the settlement) of 2,691,697.20 Peruvian soles. The Committee notes the indication on the web page of Fishers' Benefits and Social Security Fund under Liquidation that exceptional payments are being made in respect of these benefits within the resources available to this institution, and that on 12 April 2024, 27 cash transfers were made to a total of 19,404 beneficiaries in the amount of 15,412,044.67 Peruvian soles. ***The Committee requests the Government to provide information on developments in the settlement of benefits owed.***

Saint Lucia

Workmen's Compensation (Accidents) Convention, 1925 (No. 17) (ratification: 1980)

The Committee notes with ***concern*** that the Government's report has not been received despite its urgent appeal in 2019. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report, due since 2016, has not been received. In light of its urgent appeal launched to the Government in 2019, the Committee proceeds with the examination of the application of the Convention on the basis of the information at its disposal.

Article 7 of the Convention. Additional compensation for the constant help of another person. For many years, the Committee has been noting that no provision is made in national legislation for the payment of additional compensation for injured workers requiring the constant help of another person. The Committee notes with ***concern*** that the legislative texts regulating the provision of compensation in case of work accident, particularly the National Insurance Corporation Act No. 18 of 2000 and the National Insurance Regulations of 2003, have not been amended in this respect. ***Recalling that Article 7 of the Convention***

requires that all injured persons whose incapacity is of such nature that they need the constant help of another person be provided with additional compensation, the Committee requests the Government to take the necessary measures, without further delay, to bring the national legislation in line with Article 7 of the Convention.

Articles 9 and 10. Medical, surgical and pharmaceutical aid, artificial limbs and surgical appliances free of charge. Since the adoption of the National Insurance Regulations of 2003, the Committee has been noting that, under its section 68(2), the compensation for medical, surgical or pharmaceutical expenses is limited to 20,000 East Caribbean dollars, whereas no such ceiling is foreseen in *Articles 9* and *10* of the Convention in case of work accident. The Committee notes with ***concern*** that the provision of section 68(2) of the National Insurance Regulations of 2003 remains the same. ***Recalling that pursuant to Articles 9 and 10 of the Convention, necessary medical, surgical and pharmaceutical aid as well as the artificial limbs and surgical appliances shall be provided free of charge to the victims of work accidents, without limitation of cost, the Committee requests the Government to take the necessary measures, without further delay, to bring the national legislation in full compliance with Articles 9 and 10 of the Convention.***

The Committee has been informed that, based on the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM Tripartite Working Group), the Governing Body has decided that member States for which Convention No. 17 is in force should be encouraged to ratify the more recent Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), or the Social Security (Minimum Standards) Convention, 1952 (No. 102), accepting its Part VI (see GB.328/LILS/2/1). Conventions Nos 121 and 102 reflect the more modern approach to employment injury benefits. ***The Committee therefore encourages the Government to follow up the Governing Body's decision at its 328th Session (October-November 2016) approving the recommendations of the SRM Tripartite Working Group and to consider ratifying Convention No. 121 or Convention No. 102 (Part VI) as the most up-to-date instruments in this subject area.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Serbia

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) (ratification: 2000)

Previous comment

Article 8(a) of the Convention. List of occupational diseases. The Committee takes note of the Government's information indicating that the initiative launched by the Ministry of Labour, Employment, Veteran and Social Affairs to analyse the national list of occupational diseases is still ongoing. The Committee wishes to recall that, since 2006, it has been drawing the Government's attention to the need to harmonize the national list of occupational diseases with Schedule I of the Convention. ***The Committee therefore urges the Government to take the necessary measures to undertake the relevant analysis of the national list of occupational diseases with a view to ensuring that the list is in conformity with Schedule I of the Convention.***

Article 14 (read together with Article 19) of the Convention. Cash benefits for permanent partial incapacity. The Committee notes the information according to which the monetary compensation for a total disability would reach 64.4 per cent of the reference wage. According to the Government, the standard beneficiary salary to be considered should be 93,666.75 Serbian dinars, which corresponds to the option indicated by *Article 19(d)* of the Convention. The Committee also takes note that in cases of 90 per cent of physical disability, the compensation paid in January 2023 amounted to 20.1 per cent of a typical worker's disability pension, while the compensation for a 30 per cent of physical disability amounted to 6.7 per cent of a typical worker's disability pension. The Committee notes the table attached by the Government with different amounts of compensation in relation to different degrees of physical impairment, ranging from 30 to 100 per cent. The Committee observes that the percentages

referred by the Government in this table do not represent a suitable proportion of the pension paid in case of total disability and do not attain the levels prescribed by Schedule II of the Convention. Regarding the provision of a periodical payment or a lump sum in case of permanent partial disability or physical impairment less than 30 per cent but in excess of a prescribed degree, the Government indicates that amendments to the rulebook related to physical impairment and disability insurance system are currently being considered.

The Committee wishes to highlight that, according to *Article 14(3)* and *(5)* of the Convention, the minimum prescribed degree of permanent partial loss of earning capacity or of faculty, that enables the right to receive periodical cash benefits, shall be prescribed as to avoid hardship. Moreover, the level of cash benefits shall represent a suitable proportion of the periodical payment established by *Article 19* and Schedule II, in relation to the permanent total incapacity for a standard beneficiary. Lastly, the Committee previously observed that incapacity assessed below 25 per cent could be regarded as not substantial and therefore could be compensated by lump-sum payments.

In light of this, the Committee requests the Government to take the necessary measures to ensure that workers with loss of earning capacity or corresponding loss of faculty between 30 and 90 per cent, resulting from an employment injury, are entitled to periodical cash benefits calculated in accordance with Articles 14, 19 and Schedule II of the Convention. The Committee further requests the Government to provide information on the amendments to the rulebook related to disability/physical impairment in relation to the provision of compensatory payments for physical impairment or partial disability assessed at less than 30 per cent, with a view to extending protection to cases of partial but not substantial loss of capacity or faculty, and to ensure that workers suffering such incapacity avoid hardship, in accordance with Articles 14(4) and (5), and 19 of the Convention.

The Committee reminds the Government of the possibility to avail itself of ILO technical assistance in this regard.

The Committee is raising other issues in a request addressed directly to the Government.

Sierra Leone

Social Security (Minimum Standards) Convention, 1952 (No. 102) (ratification: 2022)

The Committee notes the Government's first report.

Part VI (Employment injury benefit), Articles 36 and 38 of the Convention. Periodic payments. The Committee notes the Government's indication that employment injury benefits are provided as lump sum payments, the level of which depends on the medical condition of the injured person. The Committee recalls that under *Articles 36* and *38* of the Convention, employment injury benefits in respect of incapacity for work, total loss of earning capacity likely to be permanent or corresponding loss of faculty, or the death of the breadwinner, shall be periodical payments provided throughout the contingency. The Committee further points out that as per *Article 36(3)* of the Convention, the periodical payment may be commuted for a lump sum only: (a) where the degree of incapacity is slight; or (b) where the competent authority is satisfied that the lump sum will be properly utilized. ***Recalling that the issue of the provision of periodic payments in case of employment injury has been raised under the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) for many years, the Committee requests the Government to take the necessary measures to ensure that employment injury benefits are periodically provided throughout the contingency and are converted into a lump sum only in cases allowed by Article 36(3) of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

Slovenia

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) (ratification: 1992)

Previous comment

Article 8 and Schedule I to the Convention. List of occupational diseases. The Committee notes with ***satisfaction*** the adoption of the Rules on occupational diseases by the Ministry of Health on 21 February 2023, which contain a list of occupational diseases (Annex I) that is in line with Schedule I to the Convention.

Articles 14(3) and 22. Reasons for the reduction of benefits. The Committee notes that persons with reduced working capacity, notably persons with category II or III disability, are provided with benefits under sections 85 or 86 of the Pension and Disability Insurance Act (ZPIZ-2). The Committee further notes that these benefits are paid at lower rates (20, 25 or 40 per cent of the disability pension in respect of total loss of working capacity) in case of termination of employment due to the beneficiary's own will or fault, as per section 85, paragraphs 2(3)(4) and 3(3), and section 86, paragraph 6, of the ZPIZ-2. At the same time, the rates of such benefits amount to 60 or 80 per cent of the disability pension in case of termination of employment based on the positive opinion of the commission for determining the grounds for dismissal or regardless of the beneficiary's will or fault (section 85, paragraphs 2(2) and 3(2), and section 86, paragraph 4, of the ZPIZ-2).

The Committee notes the Government's indication that the pension and disability system in Slovenia aims to keep persons with reduced working capacity in employment or active on the labour market. The Government reiterates that persons with reduced working capacity who do not want to remain in the labour market are still eligible for benefits as well as social assistance under certain conditions. The Government further indicates that it will examine the system for assessing disability benefits, in collaboration with the social partners, as part of the changes in the field of pension and disability legislation that are currently being discussed.

The Committee recalls that legislative provisions establishing lowered benefit rates in case of termination of employment due to the beneficiary's own will or fault are not in line with *Article 22* of the Convention. In particular, *Article 22* of the Convention, which sets out a limited list of grounds for the suspension or lowering of benefits, requires that an employment injury benefit be paid, without any reduction, for the loss of earning capacity incurred by the injured worker, be it total or partial, irrespective of whether the injured person wants to continue working or not. The Committee further recalls that according to *Article 14(3)* of the Convention, the benefit provided in case of partial loss of earning capacity shall represent a suitable proportion of the benefit provided in case of total loss of earning capacity. ***The Committee, therefore, requests the Government to take the necessary measures to ensure the conformity of section 85, paragraphs 2(3)(4) and 3(3), and section 86, paragraph 6, of the ZPIZ-2 with Articles 14(3) and 22 of the Convention, with a view to ensuring that the rates of the benefits due to an employment injury are not lowered in case of termination of employment as a result of the injured person's own will or fault. The Committee firmly hopes that the necessary amendments to the ZPIZ-2 will be adopted in the context of the current reform process, in collaboration with the social partners.***

Suriname

Workmen's Compensation (Accidents) Convention, 1925 (No. 17) (ratification: 1976)

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42) (ratification: 1976)

Equality of Treatment (Social Security) Convention, 1962 (No. 118) (ratification: 1976)

Previous comment on Conventions Nos 17 and 42

Previous comment on Convention No. 42

Previous comment on Convention No. 118

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on social security, the Committee considers it appropriate to examine Conventions Nos 17 (workers' compensation), 42 (workers' compensation (occupational diseases)) and 118 (equality of treatment) together.

The Committee notes the information provided by the Government according to which the ratification process of the Social Security (Minimum Standards) Convention, 1952 (No. 102) has been submitted to the National Assembly for approval.

Article 7 of Convention No. 17. Additional help of a third person. The Committee had previously been pointing to the fact that no measures have been taken to include provisions on additional compensation, in cases where an accident incapacitates a worker in a way that he or she needs the constant help of another person, in line with *Article 7* of Convention. The Committee takes note of the information provided by the Government that the draft Industrial Accidents Act will address the issue related to additional compensation as established by *Article 7* of the Convention. ***The Committee firmly hopes that the draft legislation related to compensation due to employment injury will be adopted without delay, ensuring the provision of additional compensation to injured workers who need the help of a third person because of the degree or nature of their disability.***

Article 2 of Convention No. 42. List of occupational diseases. The Committee notes that a draft Industrial Accidents Act has been approved by the Council of Ministers and the State Council and submitted to the social partners for final comments. Moreover, the Committee notes that the new draft of the Occupational Safety and Health Act has been submitted to the National Assembly for approval, which includes a new list of occupational diseases according to the most up-to-date ILO standards in this regard. ***The Committee firmly hopes that the draft Industrial Accidents Act and the draft Occupational Safety and Health Act will be adopted in the near future and will be in compliance with the ratified international labour standards concerning employment injury protection at the time of its adoption. The Committee requests the Government to provide information on the progress made in this regard and to provide a copy of both Acts once adopted.***

Article 2 of Convention No. 42. Implementing regulations. The Committee recalls that in its previous comments, it requested the Government to provide information regarding regulations as to the burden of proof of origin of occupational diseases, particularly concerning poisoning by mercury or lead. ***The Committee therefore requests the Government to provide information on regulations relating to the burden of proof of the origin of occupational diseases, especially with regard to mercury or lead poisoning.***

Articles 4, 5 and 7 of Convention No. 118. Equality of treatment of workers living abroad. The Committee had previously recalled the need to amend section 6(8) of the Industrial Accidents Act, which, contrary to the Convention, restricts payment of employment injury pensions to beneficiaries residing abroad. The Committee notes with ***regret*** the information that no specific provisions have been included in the draft Industrial Accidents Act to ensure compliance with *Articles 4, 5,* and *7* of the Convention and

that issues related to the payments of employment injury benefits abroad will be implemented in the upcoming amendments of the draft legislation. The Committee once again wishes to recall that *Articles 4* and *5* of the Convention guarantee the payment abroad of employment injury benefits to nationals and foreign workers, and that financial arrangements in this regard may be provided, according to *Article 7(1)* of the Convention, through bilateral or multilateral agreements concluded by countries which also accepted the obligations of the Convention as to the same branch. ***The Committee urges the Government to ensure that the amendment process to the Industrial Accidents Act will guarantee the payment of long-term employment injury benefits to injured workers and their dependants who live abroad in compliance with Articles 4, 5 and 7 of the Convention. In addition, the Committee requests the Government to indicate if bilateral or multilateral agreements have been concluded with other Member States which accepted the obligations of the Convention in relation to employment injury benefits.***

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 12** *Guinea-Bissau, Rwanda, Spain;* **Convention No. 17** *Guinea-Bissau, Rwanda, Sao Tome and Principe;* **Convention No. 18** *Guinea-Bissau;* **Convention No. 19** *Guatemala, Guinea-Bissau, Guyana, Haiti, Indonesia, Saint Lucia;* **Convention No. 35** *Chile;* **Convention No. 37** *Chile;* **Convention No. 44** *Spain;* **Convention No. 102** *Chad, Czechia, Germany, Honduras, Ireland, Italy, Japan, Jordan, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia, Sierra Leone, Slovakia, Spain;* **Convention No. 118** *Guinea, Israel, Italy, Rwanda;* **Convention No. 121** *Germany, Guinea, Japan, Serbia;* **Convention No. 128** *Czechia, Germany;* **Convention No. 130** *Czechia, Germany, Slovakia;* **Convention No. 168** *Romania.*

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 19** *Spain;* **Convention No. 118** *Guatemala;* **Convention No. 128** *Slovakia.*

Maternity protection

Ghana

Maternity Protection Convention (Revised), 1952 (No. 103) (ratification: 1986)

Previous comment

Article 3(2) and (3) of the Convention. Compulsory maternity leave. The Committee takes note that, according to the Government's report, the Labour Act of 2003 provides for at least twelve weeks of maternity leave, but it does not expressly state a compulsory leave of six weeks after childbirth. The Committee recalls that the Convention requires a compulsory maternity leave of at least six weeks after childbirth, including in cases where maternity leave begins more than six weeks before the date of childbirth. ***The Committee therefore requests the Government to ensure that section 57 of the Labour Act of 2003 is amended to expressly establish a period of compulsory maternity leave of at least six weeks after childbirth.***

Article 3(4). Extension of maternity leave in the event of late childbirth. The Committee takes note that, according to the Government, extensions of maternity leave are provided in section 57(4) and (5), for the case of illness, medically certified, due to pregnancy or confinement. It also takes note of the Government's indication that no extension is provided in case of late childbirth, but that it could be given upon the presentation of a certified report from a medical practitioner. The Committee wishes to recall that even if the extension seems to be applied in practice, it would be necessary in such case to introduce a specific provision into the legislation in force, so as to leave no doubt as regards the position in law, which according to the Convention should provide with an automatic extension without further requirements. ***In this context, the Committee once again requests the Government to take the necessary measures to include a specific provision in section 57, establishing an extension of prenatal leave when the childbirth takes place after the expected date, and without any corresponding reduction of the compulsory period of maternity leave after childbirth.***

Article 4(4) and (8). *Cash benefits*. The Committee takes note that the Government and the social partners are considering other plausible alternatives in dealing with cash benefits. The Committee recalls that maternity cash benefits during maternity leave must be provided by means of compulsory social insurance or public funds, in line with *Article 4(4)* of the Convention. ***With the aim of shifting from the current employer liability scheme to a maternity social insurance scheme, the Committee requests once again the Government to take the necessary measures to ensure that cash maternity benefits are only provided by means of compulsory social insurance or out of public funds.***

Article 6. Prohibition to give notice of dismissal during the protected period or to give notice of dismissal at such a time that the notice would expire during the protected period. In its previous comments, the Committee took note of the Government's indication that amendments of sections 57(8) and 63(2)(e) of the Labour Act of 2003 were being considered. The Committee notes with ***regret*** the lack of information in the Government's report on the progress that has been made in this regard. ***The Committee expresses the firm hope that the amendments will ensure that worker women are not dismissed or receive notice of dismissal on any grounds during the protected period, or at such time that the notice would expire during the protected period and requests the Government to provide information on the progress made in this respect.***

The Committee reminds the Government of the possibility to avail itself of ILO technical assistance in this regard.

The Committee recalls that the Governing Body of the ILO, at its 349th Session (October–November 2023), upon the recommendation of the Tripartite Working Group of the Standards Review Mechanism, confirmed the classification of Convention No. 103 as an outdated instrument, and decided

on the preliminary inclusion of an item for its possible abrogation on the agenda of the 121st Session (2033) of the International Labour Conference.

The Governing Body requested the Office to adopt follow-up measures to actively encourage the ratification of the Maternity Protection Convention, 2000 (No. 183), as the most up-to-date instrument on maternity protection in Member States in which Convention No. 103 is currently in force. ***The Committee therefore encourages the Government to envisage the possibility of ratifying Convention No. 183 as the most up-to-date instrument in this technical area.***

The Committee is raising other matters in a request addressed directly to the Government.

Guatemala

Maternity Protection Convention (Revised), 1952 (No. 103) (ratification: 1989)

Previous comment

Article 3(2) and (3) of the Convention. Compulsory period of postnatal leave. The Committee notes the Government's indication in its report that to date no measures have been taken to incorporate an explicit provision into the national legislative framework relating to the compulsory period of postnatal leave. The Committee recalls that the Convention requires the establishment of a compulsory period of postnatal leave of no less than six weeks, after childbirth. ***Accordingly, the Committee urges the Government to take the necessary measures, as soon as possible, to incorporate an explicit provision into national legislation to guarantee the compulsory nature of a period of postnatal leave of no less than six weeks.***

Article 4. Cash and medical maternity benefits. Suspension. The Committee notes the Government's indication that the Guatemalan Social Security Institute (IGSS) is reportedly conducting internal assessments of the request to revoke sections 48(c), 149(c) and 71(c) of Agreements Nos 410, 466 and 468 of the Administrative Board of the Institute, which provide for the suspension of maternity benefits in the event of blatantly anti-social behaviour of the beneficiary, suspension which is not permitted by the Convention. ***The Committee expects that the internal assessment of the IGSS will enable the Government to take the necessary measures to revoke sections 48(c), 149(c) and 71(c) of Agreements Nos 410, 466 and 468.***

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2027.]

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 3** *Guinea;* **Convention No. 103** *Ghana, Guatemala, Papua New Guinea, Russian Federation, Spain;* **Convention No. 183** *Albania, Germany, Kazakhstan, Panama, Romania, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia.*

Social policy

Burundi

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1963)

The Committee takes note of the observations of the Trade Union Confederation of Burundi (COSYBU), received on 27 August 2024. The COSYBU reports that all national sectoral collective agreements have been unilaterally abrogated by imposing a wage policy after removing all benefits allocated to workers. ***The Committee requests the Government to provide its comments in this respect.***

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Article 2 of the Convention. Inclusion of labour contracts in public contracts. In its previous comments, the Committee asked the Government to take the necessary steps to bring the legislation into full conformity with the Convention. The Committee notes that, further to the entry into force of Act No. 1/01 of 4 February 2008 issuing the Public Procurement Code, the Government has not adopted any new measures in this respect. The Government indicates in its report that Presidential Decree No. 100/49 of 11 July 1986, concerning specific measures to be taken to guarantee minimum conditions for workers employed under a public contract, and also Decree No. 110/120 of 18 August 1990, concerning the general conditions of contracts, have ceased to apply with the entry into force of the Public Procurement Code. The Government makes no reference to the adoption of any new measures to guarantee protection for conditions of work during the performance of public contracts but refers more generally to the Labour Code. The Committee recalls paragraph 45 of its General Survey of 2008 on labour clauses in public contracts, in which it considered that the mere fact of the national legislation being applicable to all workers does not release the States which have ratified the Convention from the obligation to take the necessary steps to ensure that public contracts contain the labour clauses specified in *Article 2(1)* of the Convention, whether for construction work, the manufacture of goods or the provision of services, since the general labour legislation only establishes minimum standards, which are often improved through collective agreements or arbitration awards. The Committee recalls that the main stipulation of *Article 2* of the Convention is that all public contracts coming within the scope of *Article 1* of the Convention must contain labour clauses, whether or not these contracts are assigned through a bidding process. ***The Committee requests the Government once again to adopt the necessary measures without delay to ensure the inclusion of labour clauses in all public contracts to which the Convention is applicable, in accordance with Article 2 of the Convention. The Committee also requests the Government to send a copy of the new general conditions governing contracts and to indicate the measures taken or contemplated to ensure minimum conditions for workers employed under a public contract, once such measures have been adopted.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Ghana

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1961)

Previous comment

Articles 1 and 2 of the Convention. Scope and purpose of the Convention. In its report, the Government indicates that it has taken measures to bring its national legislation into conformity with the requirements of the Convention. It reports that standardized tender documents (STD), referenced in section 50(1) and the Sixth Schedule of Public Procurement Act (PPA) 2003 (Act 663), amended in 2016, now incorporate the clauses contained in *Article 2* of the Convention. The Committee notes with ***interest*** that, pursuant to section V(6) of STD, a contractor is obliged to observe labour clauses on wages, working hours and other conditions of labour, and comply with labour laws applicable to the workers concerned. It notes, in particular, that wages and labour conditions shall not be lower than those established for

the trade or industry where the work is carried out. In addition, the Committee notes that, in response to its previous comments requesting information on the measures taken to ensure that bidders in public procurement processes are effectively made aware of the terms of the required clauses, the Government refers to a general requirement for advertisement of all bids and labour clauses. In this regard, the Government points out that, pursuant to section 47 of PPA 2003, amended in 2016, requests for tenders shall be published in the Public Procurement Bulletin and on the Public Procurement Authority website. The new Public Procurement Regulations (L.I. 2466), which entered into force on 5 December 2022, require that an invitation to tender and an invitation to prequalify is in accordance with standard tender and prequalification documents. The Government also indicates that the Public Procurement Authority oversees the procurement processes and provides guidance to procuring entities on all terms of the clauses, while public entities organize pre-tender meetings in order to ensure that persons tendering for contracts understand the required clauses in the contract.

While duly noting the above information, the Committee draws the Government's attention to the fact that the Convention requires that working conditions ensured by labour clauses in public contracts to which the Convention is applicable should not be less favourable than the conditions fixed by way of either collective agreements, arbitration awards, or national legislation, given that, in many cases, minimum standards set by national legislation regarding wages and conditions of work may be exceeded by collective agreements or otherwise. Indeed, the purpose of the Convention is to ensure that workers employed for the execution of public contracts enjoy wages and other working conditions at least as favourable as those prevailing in the locality and normally established for the type of work concerned, whether established by collective agreement or otherwise, where the work is carried out. This has the effect of setting the best standards already established in the locality as minimum conditions for public contracts. The additional aim is that local standards higher than those established by law (which in practice means the most advantageous labour conditions) should be applied, where they exist. With regard to the Government's renewed indication that only individuals or firms that obtain labour clearance certificates are qualified to bid on public contracts, the Committee recalls that the essential purpose of inserting labour clauses in public contracts goes beyond the objectives of mere certification, as its purpose is to eliminate the negative effects of competitive bidding on workers' labour conditions. ***In light of the above considerations, the Committee requests the Government: (i) to indicate the manner in which public contracts to which the Convention is applicable guarantee the most favourable working conditions existing in the same industry and district, considering that the Convention refers to three potential sources, that is collective agreements, arbitration awards, or national laws or regulations; (ii) to provide information on whether the employers' and workers' organizations concerned have been consulted on the terms of the labour clauses prior to their inclusion in the standardized tender documents, as required by Article 2(3) of the Convention; and (iii) to confirm that the labour clauses provided for in the standard tender documents are included in the requests for tenders to be published in the Public Procurement Bulletin and on the Public Procurement Authority (PPA) website.***

The Committee is raising other matters in a request addressed directly to the Government.

Guatemala

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1952)

Previous comment

Articles 2 and 5 of the Convention. Insertion of labour clauses in public contracts. Enforcement measures. The Committee recalls that, for several years, it has been requesting the Government to provide information on the measures adopted to ensure that bidders in public calls to tender are properly informed about the content of the labour clauses that should be contained in public contracts,

for example, by publishing a notice relating to the specifications, as prescribed in *Article 2(4)* of the Convention. The Committee considers that accurately informing bidders of the scope and content of the labour clauses remains crucial, given that neither the Act of 1992 nor the Regulations of 1992 on public contracts contain an explicit reference to labour clauses of the type provided for by the Convention. Further, the obligation to include such clauses arises from the Ministerial Decision of 21 November 1985, adopting the model labour clauses to be included in the contracts concluded by the public authorities which, according to the Government's information, remains in force. The Committee notes with ***deep concern*** that the Government indicates that no legislative initiatives have been adopted recently in relation to the application of the Convention and no judicial decisions have been adopted to improve the application of the Convention. In addition, after confirming that the Ministerial Decision of 1985 remains in force, the Government's report does not refer to the contracts that contain the clauses and the measures adopted with a view to ensuring compliance with these contracts. The Committee observes that the labour contract models distributed by the Government and used by various ministries do not correspond to the type of public contracts with labour clauses referred to by the Convention, namely contracts concluded by the public authorities that involve the expenditure of funds by a public authority, the employment of workers by the other party to the contract and a contract that is a contract for public works or the supply of services (*Article 1* of the Convention). ***The Committee therefore once again reiterates its request to the Government to, without delay, take all necessary measures to give full effect to the requirements of the Convention, including those contained in Article 2(4) of the Convention. The Committee also urges the Government to provide: (i) copies of contracts concluded by public authorities which contain the model labour clauses required by the Ministerial Decision of 21 November 1985; and (ii) documented information on measures to ensure compliance with the labour clauses contained in contracts concluded by public authorities, as required by the Convention, including information on the number and nature of the violations reported and the penalties imposed.***

Guinea

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1966)

Previous comment

Article 2 of the Convention. Inclusion of labour clauses in public contracts. The Committee recalls that, for 40 years and despite repeated comments in this regard, no real progress has been made by the Government in the application of the Convention. In its 2023 report, the Government indicates that section 21 of the Transition Charter of 27 September 2021 provides that all citizens have the right to work and to fair remuneration and that no one may be discriminated against in employment on account of their origin, religion, sex or opinions. The Government considers that the Convention is being applied and refers to section 91(9) of the Public Procurement Code, adopted by decree of 17 December 2019, which sets out that all public contracts must specify the work arrangements; that the conditions applicable to a public contract may take considerations regarding the economy, innovation, the environment, the social sphere and employment into account; and that the enterprise's policy on discrimination may also be taken into account. The Committee is nonetheless bound to recall, as it has already done on several occasions, that the mere fact of the national legislation being applicable to all workers, including those employed under public contracts, does not release the States which have ratified the Convention from the obligation to take the necessary steps to ensure that public contracts contain labour clauses specified in *Article 2* of the Convention. The Committee considers that the Convention calls for the insertion of labour clauses of a very specific content (2008 General Survey on labour clauses in public contracts, paragraphs 41–46, 55 and 111–113). In this regard, the Committee once again draws the Government's attention to the General Survey of 2008 and the practical guide on the Convention published by the Office in 2008, which proposes guidance and examples for aligning national legislation with the Convention. ***Noting with concern that, once again, the Government's report***

does not provide any information on the measures taken or envisaged to give effect to the provisions of Article 2 of the Convention, the Committee urges the Government to, without delay, take all necessary measures to bring its national practice and legislation into full conformity with the basic requirements of the Convention. The Committee hopes that the Government will make every effort to take the necessary steps in the near future. The Committee notes the Government's indication that it has transmitted a draft of the Code to the Office and wishes to avail itself of technical assistance in this regard. The Committee hopes that such assistance may be provided shortly.

Israel

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1953)

Previous comment

Article 2 of the Convention. Inclusion of labour clauses and application of the Convention in practice. Responding to the previous comments of the Committee, the Government continues to refer to the Public Bodies Transaction Law 1976, the Mandatory Tenders Law 1992, the Mandatory Tenders Regulations 1993, and the Financial and Economic Regulations (Takam), as the legislation implementing the Convention. It also indicates the adoption of Regulations for the Increase of the Enforcement of Labour Laws, including: (i) Regulation No. 5783/2023 on wage components comprising contract workers' hourly wages, in force since 1 January 2024, which imposes obligations on service recipients and service contractors in the cleaning, catering and security guard sectors to ensure the payment of the minimum hourly wage to service contractors' employees; and (ii) Regulation No. 5777/2017 on certified wage inspectors, signed on 9 July 2017, which provides that service recipients who conduct periodic inspections through wage inspectors may be protected from prosecution. Furthermore, the Government states that, pursuant to the Law for Increased Enforcement of Labour Laws, No. 5772/2011, the Accountant General's Division at the Ministry of Finance has been operating, since 2012, the system that centralizes audits of direct contracts between government ministries and service providers that provide services in the cleaning, catering and security guard sectors. Each service provider, after the audit, receives a score reflecting its compliance with labour laws, which accounts for 40 per cent of the overall score in the evaluation of its bid in government tenders. Lastly, the Government reports that, in December 2012, the Minister of Finance and the Chairman of the New General Federation of Labour signed a collective agreement with the aim of improving the wages and employment conditions of workers employed by providers of cleaning, catering and security guard services.

While noting this information, the Committee once again observes with ***regret*** that the public procurement legislation referred to by the Government only partially ensures application of the basic requirements of the Convention. It therefore once again recalls that the Convention applies to all public contracts involving the expenditure of funds by a public authority and the employment of workers by the other party to the contract, and includes contracts for construction, manufacture of goods, or supply of services. Moreover, the Convention calls for bidders to be informed in advance by means of standard labour clauses included in tender documents that, if selected, they would be required to apply, under the contract, wages and working conditions (including but not limited to working hours) not less favourable than the highest minimum standards established locally by law, arbitration or collective agreement, particularly given that in many cases minimum standards set by national legislation regarding wages and conditions of work may be exceeded under collective agreements. The Committee observes that no progress has been made with regard to the implementation of the Convention in either law or practice. Moreover, the legislation concerning the protection of rights of workers employed by service contractors in the cleaning, catering and security guard sectors, as referenced in the Government's report, is not comprehensive in scope and does not fully reflect the core requirement of *Article 2* of the Convention on the inclusion of labour clauses in public contracts. The Committee once again draws the Government's attention to its 2008 General Survey on labour clauses in public contracts,

paragraph 40, which states that the essential purpose of the Convention is to ensure that the workers employed by a contractor and paid indirectly out of public funds enjoy wages and conditions of labour which are at least as satisfactory as the wages and conditions of labour normally established for the type of work concerned, whether they are established by collective agreement or otherwise, in the locality where the work is done. ***Recalling that it has been highlighting the need to give full effect to the core requirements of the Convention for many years, the Committee hopes that the Government will take all necessary measures without further delay to bring the national legislation and practice into conformity with the Convention. The Committee once again requests the Government to provide all available information on the practical application of the Convention, including statistical information on the number and nature of public contracts established by different public bodies, samples of public contracts or standard contract forms, and extracts from reports of the inspection services showing the number and nature of any infringements detected and sanctions imposed. It also requests the Government to provide copies of official publications or studies on matters relevant to the Convention, such as reports of the activities of the Industrial Cooperation Authority (ICA), the enforcement agency under the public procurement legislation.***

Jamaica

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1962)

Previous comment

Article 2 of the Convention. Insertion of labour clauses in public contracts. For many years, the Committee has been requesting the Government to take all necessary measures without further delay to bring its national legislation into full conformity with the core requirements of the Convention. The Committee notes from the Government's report that, since 1 April 2019, all public procurement proceedings must be conducted in accordance with the Public Procurement Act 2015, along with the Public Procurement Regulations 2018 and the Public Procurement Reconsideration and Review Regulations 2018, and that solicitations of all bids must be done by use of Standard Bidding Documents (SBD) issued by the Ministry of Finance and Public Service (MOFPS). The Government reports that SBDs, specifically section 6 of Annex 8 (Procurement of Works), now incorporate the clauses contained in *Article 2* of the Convention. The report also indicates that, in June 2023, the MOFPS convened workshops with the aim of reviewing and updating the SBDs. The Committee notes with ***interest*** that, pursuant to this section, a contractor is obliged to observe labour clauses on wages, working hours and other conditions of labour, and comply with labour laws applicable to the workers concerned. It notes, in particular, that wages and other labour conditions shall not be lower than those established for the trade or industry where the work is carried out. Nonetheless, the Committee wishes to draw the Government's attention to the fact that the Convention also requires that the conditions to be ensured by labour clauses in public contracts need to be aligned with the highest conditions fixed either by national law or by collective agreements or arbitration awards, in view of the fact that, in many cases, minimum standards set by national legislation regarding wages and conditions of work may be exceeded by collective agreements or otherwise. The Committee also wishes to recall that the Convention requires labour clauses to be expressly included in the actual contract that is finally signed by the public authority and the selected contractor. ***In view of the above, the Committee asks the Government to provide information on: (i) the manner in which it guarantees that the labour conditions for employees employed in the framework of public contracts are not less favourable than the highest conditions applicable in the same industry and district, considering that the Convention refers to three potential sources, that is collective agreements, arbitration awards, or national laws or regulations; (ii) whether the employers' and workers' organizations concerned have been consulted on the terms of the labour clauses under section 6 of Annex 8 (Procurement of Works) of Standard Procurement Documents prior to their inclusion therein, as required by Article 2(3) of the Convention; (iii) whether***

Standard Procurement Documents include labour clauses related to procurement of goods and services, as required by Article 2(1) of the Convention; and (iv) the measures taken to ensure that the core requirements of Article 2 of the Convention are fully included in all public contracts.

Application in practice. Part V of the report form. The Committee notes the Government's indication that, following the 2022 Supreme Court judgment in *National Housing Trust v. Marksman Limited and Robert Epstein*, which recognized security guards as having the status of employees, all procurement contracts for security guard services must be negotiated and amended accordingly. The Committee notes that, pursuant to the MOFPS Circular 4, effective 1 April 2023, and its accompanying guidance note (GN 1/23), amendments to procurement contracts shall provide security guards with remuneration and other conditions of work that are not less favourable than those applicable to employees. The Committee observes in this respect that the sole requirement that security guards need to be treated as employees does not suffice to give effect to *Article 2* of the Convention. It draws the Government's attention to the fact that, under public procurement contracts, wages and labour conditions for security guards shall not be less favourable than the highest minimum standards established locally by law, arbitration or collective agreement, for work of the same character in the trade or industry concerned in the district where the work is carried on. ***The Committee therefore requests the Government to provide detailed up-to-date information on how the application of the Convention is ensured with respect to public contracts concluded between a security company and a public authority for the supply of security services, as per Article 1(1) of the Convention. The Committee also requests the Government to provide information on the practical application of the Convention, in particular, copies of public contracts in which labour clauses have been inserted in conformity with the requirements of Article 2 of the Convention, as well as extracts from inspection reports of the competent services showing the number and nature of violations and the sanctions imposed.***

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) (ratification: 1966)

Previous comment

Parts I and II of the Convention. Improvement of standards of living. In its previous comment, the Committee requested the Government to provide information on the measures taken to promote cooperatives and improve the living standards for workers in the informal economy. The Government states that it has a longstanding history of creating an enabling environment for the growth and development of cooperatives and refers to the Cooperative Societies Act and its Regulations of 1950, which created the legislative framework for promoting cooperatives. The Government indicates that to date, there are approximately 90 registered cooperatives in Jamaica. There are 25 financial cooperatives (credit unions) and no consumer cooperatives on the register of cooperatives. The Government adds that the Department of Cooperatives and Friendly Societies (DCFS) promotes cooperatives through registration, training, promotional, monitoring and supervisory activities. Similarly, the Committee also requested the Government to supply information on measures taken to give effect to *Article 2* of the Convention, in particular concerning the Vision 2030 Jamaica – National Development Plan. The Government indicates in this regard that one of the goals under the Vision 2030 Jamaica – National Development Plan is to empower Jamaicans to achieve their fullest potential, and to this end the Government has set out to implement effective social protection, aimed at eradicating poverty and hunger. The Government mentions that among the measures adopted, the National Poverty Reduction Programme (NPRP) seeks to reduce poverty in Jamaica and improve living standards. The Committee notes the National Poverty Reduction Programme Annual Report, April 2021 to March 2022, submitted by the Government, highlighting the achievements, challenges and gaps for the financial year 2021–22. The document indicates that a new medium-term cycle (2021–24) began in April 2021, emphasizing the strengthening of partnerships among entities to accelerate the achievement of the NPRP goals, particularly goal one, to eradicate extreme poverty by 2022. The Government submits statistical data up to 2019 indicating improvements in the decrease of poverty, food poverty, poverty among female-

headed households, male-headed households, and national poverty prevalence in all age groups, including children and aged persons. The Committee notes that, according to the World Bank database, the rising economic activity brought the unemployment rate to a record-low 4.2 per cent in October 2023, while poverty (US$6.85 per day) declined from 13.9 per cent in 2021 to an estimated 12.3 per cent in 2023. The same database indicates that the quality of employment remains a concern given continued high informality (46.8 per cent of non-agricultural employment in 2020). In its previous comment, the Committee also requested the Government to indicate the measures taken to study the causes and effects of migratory movements which may cause disruption of family life and other traditional social units and to control those movements. The Government indicates that it has not conducted any recent study in this regard. The Committee notes that during the development of the National Policy on International Migration and Development (NPIMD), which was tabled as a White Paper in 2017, the research conducted revealed the effects of migratory movements on family life. As a result, the following goal was included in the NPIMD: "By 2030, the migrant family is preserved, protected and empowered to ensure the productive lives of its members". ***The Committee notes the above developments with interest and requests the Government to continue to provide detailed updated information, including disaggregated statistical data and copies or extracts of studies or legislative texts, on the impact of the measures taken by the Government to give effect to Article 2 of the Convention, in particular of the Vision 2030 Jamaica – National Development Plan. In view of the high levels of informality and underemployment, the Committee requests the Government to provide information on the impact of measures taken or envisaged to tackle these persistent challenges that have the effect of deepening social inequalities and represent obstacles to the improvement of the standard of living of the population. It also requests the Government to indicate the measures taken or envisaged in the framework of the National Policy on International Migration and Development (NPIMD) to study the causes and effects of migratory movements, which may cause disruption of family life and other traditional social units and to control those movements. The Committee further requests the Government to continue to provide information on measures taken to encourage and assist producers' and consumers' cooperatives (Article 4(e) of the Convention), including detailed information, such as specific examples of measures undertaken, statistical data or envisaged measures.***

Part IV. Article 11. Remuneration of workers. Protection of wages. The Committee once again recalls that, for some years, it has been requesting the Government to provide information on measures taken or envisaged to give effect to *Article 11* of the Convention, in particular *Article 11(8)*. In its last comments, the Committee reiterated once again its request to the Government to provide specific information on the policies, practices or any other measures adopted indicating, where appropriate, the relevant provisions of legislation and administrative regulations which ensure the proper payment of all wages earned, as provided under each of the subparagraphs of *Article 11* of the Convention for both public and private sector employment. The Committee notes that in its response, the Government merely states that it notes the concerns of the Committee, recognizes the gaps in its legislation and will take steps to address these concerns by developing a position paper on the identified gaps and engaging in consultations. ***The Committee recalls that it has been drawing the Government's attention to the need to comply with Article 11 of the Convention and urges the Government to introduce the necessary amendments to the national legislation as soon as possible. The Committee recalls that the Government may wish to avail itself of the Office's technical assistance in this regard.***

Article 12. Advances on wages. In its previous comments, the Committee recalled that for a number of years, it has been requesting the Government to supply information on measures taken or contemplated to regulate advances on wages, as required under *Article 12* of the Convention. The Committee notes that, in its response, the Government merely states that it notes the concerns of the Committee, recognizes the gaps in its legislation, and points out that it will take steps to address these concerns by developing a position paper on the identified gaps and engaging in consultations. ***The***

Committee is therefore once again bound to request the Government to indicate in its next report the specific measures taken or contemplated to regulate the issue of advances on wages for workers in the private sector, in accordance with Article 12 of the Convention. It draws the Government's attention to the possibility of availing itself of the technical assistance of the Office in this regard.

Uganda

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1963)

Previous comment

Articles 1 and 2 of the Convention. Insertion of labour clauses in public contracts. For many years, the Committee has been requesting the Government to take the necessary measures to ensure the insertion of labour clauses in public contracts in accordance with the requirements of the Convention, either under the existing public procurement legislation or within the broader framework of the National Employment Policy. The Committee notes the Government's renewed reference, in its 2023 and 2024 reports, to the legislation implementing the requirements of the Convention, specifically the Public Procurement and Disposal of Public Assets (PPDA) Act 2003, the PPDA Regulations 2014, the PPDA Guidelines 2014, and the Contracts Act 2010. Additionally, regarding the application of *Article 2* of the Convention, the Government refers to the Employment Act 2006, in particular section 59(1), which requires that employers provide employees with the particulars of their employment through written notice, as well as to Parts V and VI of the Act which regulate wages, rights and duties in employment. Furthermore, the Committee notes that the public procurement legislation has recently undergone a major reform: (i) the PPDA Act 2003 was amended in 2011 and 2021 and, under section 67, the standard documents provided by the PPDA Authority shall be used as models for all solicitation documents, including with regard to the general conditions of contract; (ii) the PPDA Regulations 2014 have been revised and the Local Governments (PPDA) Regulations 2006 have been revoked; (iii) the new PPDA Regulations 2023, issued by the Ministry of Finance and effective 5 February 2024, regulate procurement by central and local government agencies with regard to supplies, works, consultancy and non-consultancy services (S.I. 100/2023; S.I. 101/2023) and lay down the terms and conditions of their respective contracts (S.I. 105/2023); and (iv) the PPDA Guidelines 2024, issued by the PPDA Authority, provide clarification on various issues, including with regard to pre-bid meetings. Lastly, the Committee notes that, in response to its previous request for specifying the status of General Notice No. 9 of 1963 on fair wages and the standard Contract Agreement and Schedules of Conditions for Building Works, which previously implemented the Convention with respect to contracts for public works, the Government indicates that consultations with social partners on these issues are in progress.

While duly noting the above, the Committee recalls once again that the essential purpose of the Convention is to ensure that workers employed under public contracts enjoy the same conditions as workers whose conditions of employment are fixed not only by national legislation but also by collective agreements or arbitration awards, in view of the fact that in many cases the provisions of the national legislation on wages, hours of work and other conditions of employment provide merely for minimum standards which may be exceeded by collective agreements or otherwise. The Committee therefore observes that the mere fact that the national legislation is applicable to all workers, including those hired to work in the framework of public contracts, does not release the States which have ratified the Convention from the obligation to take the necessary steps to ensure that public contracts contain the labour clauses specified in *Article 2* of the Convention (2008 General Survey on labour clauses in public contracts, paragraph 45). The Committee also observes that while the new public procurement legislation referred to by the Government contains very detailed provisions on all stages of the bidding and selection process, it does not set out, like the 2003 procurement legislation before it, any standards concerning the labour conditions applicable to workers engaged in the execution of public contracts. Recalling that it has been drawing the Government's attention to the need to adopt effective measures

aimed at implementing the Convention for many years, the Committee ***regrets*** that the Government has not seized the opportunity of the recent reform to bring the national legislation into conformity with the Convention. ***The Committee therefore urges the Government to take all appropriate measures in the very near future so as to ensure that the legal framework applicable to public procurement contracts expressly provides for the insertion of labour clauses in public contracts in accordance with the requirements of the Convention. In particular, it requests the Government to report on any action taken by the PPDA Authority to ensure the insertion of labour clauses of the type prescribed by Article 2 of the Convention in the general and special conditions of contracts or other common specification standards to be used by procurement bodies. Lastly, with regard to the status of General Notice No. 9 of 1963 on fair wages and the standard Contract Agreement and Schedules of Conditions for Building Works, the Committee reiterates its request to the Government to keep the Office informed of any developments following the ongoing consultations with the social partners on this issue.***

Yemen

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratification: 1969)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

Article 2 of the Convention. Insertion of labour clauses in public contracts. The Government reports that a draft Labour Code has been prepared in coordination with the ILO, and that it is in compliance with international labour standards. The Government adds that issues raised in the Committee's previous comments with regard to the insertion of labour clauses in public contracts as prescribed by *Article 2* of the Convention will be brought to the attention of the Supreme Commission on Auctions and Bids. The Committee notes the Government's indication that it requires the technical assistance of the ILO in relation to the measures to be taken to ensure that all public contracts contain labour clauses that comply with the provisions of the Convention. ***The Committee once again requests the Government to take the necessary measures to ensure that all public contracts contain labour clauses and hopes that the Government will be soon in a position to report progress in giving full effect to this core requirement of the Convention. The Committee encourages the Government to avail itself of the technical assistance of the Office in this regard.***

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 82** *United Kingdom of Great Britain and Northern Ireland (Bermuda), United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), United Kingdom of Great Britain and Northern Ireland (Falkland Islands (Malvinas)), United Kingdom of Great Britain and Northern Ireland (Montserrat);* **Convention No. 94** *Antigua and Barbuda, Barbados, Belize, Ghana, Guyana, Italy, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands);* **Convention No. 117** *Georgia, Ghana, Guatemala, Guinea, Israel, Italy, Jordan, Tunisia, Ukraine.*

Migrant workers

Benin

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (ratification: 1980)

Previous comment

Article 14(a) of the Convention. Restrictions concerning employment and geographical mobility within the country. In response to its previous comment, the Committee notes that the Government once again states, in its report, that although Decree No. 77-45 of 4 March 1977 regulating the movement of foreign nationals (which subjects foreign workers to special authorization to leave their town of residence in Benin) has not been formally repealed, it is no longer applied, and the Constitution guarantees freedom of movement on an equal footing with nationals without restriction. It also notes the Government's assurance that it will take the necessary steps to formally repeal this text. ***The Committee once again urges the Government to formally repeal, as soon as possible, the restriction on the geographical mobility of migrant workers provided under Decree No. 77-45 of 4 March 1977.***

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2026.]

Malaysia

Sabah

Migration for Employment Convention (Revised), 1949 (No. 97) (ratification: 1964)

Previous comment

Article 1(b) and (c) of the Convention. Information on conditions of work and livelihood of migrants for employment. Special agreements. The Committee notes that, in its report, the Government reiterates that bilateral agreements on international labour migration are categorized as classified documents and that it has no intention to declassify these documents. The Committee wishes to recall that *Article 1(c)* of the Convention requires Member States to make these agreements available on request to the International Labour Office and to other Members. It also refers to the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs inviting Members to make international agreements on labour migration publicly available. ***The Committee requests the Government to provide information on the structure of existing bilateral agreements and the main rights and duties of the parties. The Committee also urges the Government to consider making those agreements publicly available, except for strictly confidential provisions.***

Article 6(1)(a). No less favourable treatment. Foreign worker levy. The Committee recalls that, in January 2018, the Government introduced a policy that all levies imposed on the hiring of foreign workers shall be borne by employers, following its indication that the deduction of levies from the wages of foreign workers may result in unfavourable treatment of these workers as compared to nationals, contrary to *Article 6(1)(a)* of the Convention. It takes note that the Government states that it is implementing a "zero cost" policy on foreign workers who enter Malaysia to work. This policy is incorporated in the Memorandum of Understanding (MoU) on the employment of workers with source countries where all payments including levies shall be borne by the employer. In addition, according to the current law, deduction of salary is only permitted if approval from the Director-General for Labour (DGL) is obtained in accordance with sections 24(4) to (5) of the Employment Act, failing which the deduction shall be illegal and become an offence that is punishable under the law and the DGL shall not

authorise any deduction of salary to pay levy under the current policy. Concerning the exact role of the Steering Committee on the Multi-tier Levy (MTL) system established to examine the impact of the levy system, the Government indicates that it is still studying and evaluating the MTL and its implementation and that it has recently instructed the relevant agencies to prepare papers to be presented to the National Economic Action Council (MTEN) for a decision on the direction of its implementation. ***The Committee requests the Government to indicate if this new policy also applies to MoUs signed with source countries before 2018 or only to MoUs signed after the entry into force of the new policy. It also requests the Government to provide information on: (i) the progress of the final evaluation exercise of the Multi-Tier Levy and its outcome; and (ii) the number and nature of violations investigated under this new policy, and sanctions imposed in such instances.***

The Committee is raising other matters in a request addressed directly to the Government.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 97** *Madagascar, Malaysia (Sabah), Morocco, New Zealand, North Macedonia, Republic of Moldova, Sierra Leone, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), United Kingdom of Great Britain and Northern Ireland (Montserrat);* **Convention No. 143** *Benin, Madagascar, Mauritania, North Macedonia, Sierra Leone.*

Seafarers

Barbados

Seafarers' Identity Documents Convention, 1958 (No. 108) (ratification: 1967)

The Committee notes with ***concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

Articles 2–6 of the Convention. Seafarers' identity documents. The Committee recalls that it has been commenting for several years on the Government's failure to apply the Convention. In particular, the Committee has been requesting the Government to: (i) reinstate the identity document for national seafarers; (ii) enact new regulations or amend existing ones so that foreign seafarers may enter Barbados with a valid identity document issued pursuant to this Convention; and (iii) provide copies of the relevant legislative and/or regulatory texts ensuring the application of the Convention. The Committee notes with ***concern*** the indication in the report of the Government that the Convention was not being implemented in either law or practice. The Committee further notes the indication by the Government that it encountered difficulties in finding a cost-effective solution for the issuance of identity documents for seafarers. ***The Committee therefore requests the Government to take the necessary steps without delay to ensure that its obligations under the Convention are fully respected and reminds the Government that it may seek technical assistance from the Office in this regard.***

The Committee further recalls that the Convention has been revised by the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185). It draws the Government's attention to its general observation addressing the recent amendments to the annexes of Convention No. 185.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Congo

Maritime Labour Convention, 2006 (MLC, 2006) (ratification: 2014)

The Committee notes with ***deep concern*** that the Government's report has not been received. It is therefore bound to repeat its previous comments. The Committee informs the Government that, if it has not supplied replies to the points raised by 1 September 2025, then it may proceed with the examination of the application of the Convention on the basis of the information at its disposal at its next session.

The Committee notes with ***deep regret*** that the Government has failed to submit its first report on the application of the Convention for the fourth consecutive year. As the requested report was not received, the Committee examined the application of the Convention on the basis of publicly available information.

Article I. General questions on application. Implementing measures. The Committee notes that the provisions of the Convention are mainly implemented by Act No. 30-63 of 4 July 1963 issuing the Merchant Shipping Code, amended by Act No. 63-65 of 30 December 1965; by orders and decrees of the Ministry of Transport, Civil Aviation and Merchant Shipping; and by Regulation No. 08/12-UEAC-088-CM-23 of the Central African Economic and Monetary Community (CEMAC) adopting the Community Merchant Shipping Code of 22 July 2012 (CCMM), which is directly applicable in the Congo and is one of the documents that must be carried on board ships flying the Congolese flag and foreign ships operating in Congolese territorial waters. The Committee also notes that the Labour Code does not exclude seafarers from its scope of application. Having reviewed the available information, the Committee notes the inconsistency between certain national provisions and between these and the CCMM, as well as the absence of available information on the implementation of several provisions of the Convention. The Committee underscores the need to avoid any inconsistency in the applicable provisions. It recalls that, in accordance with Article I of the Convention, each Member which ratifies the Convention undertakes to give full effect to its provisions in order to secure the right of all seafarers to decent employment. ***The Committee therefore requests the Government to adopt without delay the necessary measures to implement the Convention, taking into account the matters raised***

in the request addressed directly to the Government. It further requests the Government to provide a copy of any legislative texts or other regulatory instruments once adopted, as well as full information on the implementation of the Convention, including updated statistics on the number of seafarers who are nationals or residents of the Congo or who work on board ships flying the Congolese flag. The Committee reminds the Government that it may avail itself of the technical assistance of the Office in this regard.

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Dominica

Seamen's Articles of Agreement Convention, 1926 (No. 22) (ratification: 1983)

Seafarers' Identity Documents Convention, 1958 (No. 108) (ratification: 1983)

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) (ratification: 2004)

Previous comment on Conventions Nos 22 and 108

Previous comment on Convention No. 147

Seamen's Articles of Agreement Convention, 1926 (No. 22)

The Committee notes the observations of the Dominica Public Service Union (DPSU) and the Dominica Employers' Federation communicated with the Government's report. It notes that the DPSU welcomes the strong language used in its previous comment regarding the fact that the Government has not submitted a report regarding the implementation of these Conventions in the last decade.

In reply to its previous comments, the Committee notes the Government's indication that Dominica is in the process of reviewing its maritime legislation with a view to make updates in view of the ratification the Maritime Labour Convention, as amended (MLC, 2006) and the Seafarers' Identity Document Convention (Revised), 2003, as amended (No. 185). ***The Committee requests the Government to inform it of any developments in this regard.***

Seafarers' Identity Documents Convention, 1958 (No. 108)

Article 2 of the Convention. Seafarers' identity documents. The Committee notes the Government's indication that the Shipping Act of the Commonwealth of the Dominica does not contain any specific provisions for issuing seafarers' books. ***The Committee accordingly requests to the Government to adopt without delay the necessary measures to give effect to the provisions of the Convention.***

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Article 2 of the Convention. Implementing legislation. In reply to its previous comments, the Committee notes the Government's indication that Dominica adopted protocols issued by the International Maritime Organization (IMO) for ensuring safe ship crew changes and travel during the COVID-19 pandemic. Specifically, the Government highlights the issuance of Circular Letter No. 4361 on 17 December 2020, which designate all Dominican seafarers as key workers providing essential services to facilitate timely crew changes and repatriation. The Committee further notes that as from October 2024, the maritime authority partnered with a local private stakeholder and a training organization to offer seafarer training to Dominicans. The Government indicates that there are no new legislative developments regarding the Convention. ***The Committee accordingly requests the Government to adopt the necessary measures without delay to give full effect to the provisions of the Convention.***

Peru

Seamen's Articles of Agreement Convention, 1926 (No. 22) (ratification: 1962)

Repatriation of Seamen Convention, 1926 (No. 23) (ratification: 1962)

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55) (ratification: 1962)

Sickness Insurance (Sea) Convention, 1936 (No. 56) (ratification: 1962)

Minimum Age (Sea) Convention (Revised), 1936 (No. 58) (ratification: 1962)

Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (ratification: 1962)

Certification of Ships' Cooks Convention, 1946 (No. 69) (ratification: 1962)

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) (ratification: 2004)

Previous comment on Conventions Nos 22, 23, 68, 69 and 147

Previous comment on Conventions Nos 55 and 56

The Committee notes the reports provided by the Government on the application of Conventions Nos 22, 23, 55, 56, 68, 69 and 147. It also notes the observations of the National Confederation of Private Business Institutions (CONFIEP) and the Autonomous Workers' Confederation of Peru (CATP), received on 29 August and 1 September 2024, respectively. The Committee ***regrets*** to note that there has not been any progress in the adoption of the necessary measures to give full effect to the provisions of the Conventions. ***The Committee therefore urges the Government to adopt the necessary measures for this purpose without further delay, taking into account the points raised below.***

The Committee recalls that, in the context of the Standards Review Mechanism, the Governing Body of the ILO has included an item on the agenda of the 118th Session (2030) of the International Labour Conference for the abrogation of Conventions Nos 22, 23, 55, 56, 68 and 69 and has requested the Office to carry out an initiative to promote, as a priority, the ratification of the Maritime Labour Convention, 2006, as amended (MLC, 2006), by countries that are bound by the above Conventions. ***Noting that almost all the maritime Conventions ratified by Peru (with the exception of Convention No. 147) will in principle be abrogated in 2030, the Committee encourages the Government to ratify the MLC, 2006.***

In order to provide an overview of matters arising in relation to the application of the maritime Conventions, the Committee considers it appropriate to examine them in a single comment, which is set out below.

Seamen's Articles of Agreement Convention, 1926 (No. 22)

Article 3 of the Convention. Guarantees relating to the signature of articles of agreement. The Committee notes the Government's indication, in reply to its comments, that Bill No. 5869/2023-CR, regulating the status and recognition of maritime workers, the provisions of which are related to the Convention, is currently being reviewed by the Labour and Social Security Commission of the Congress of the Republic. ***While noting this information, the Committee requests the Government to take the necessary measures without delay to ensure compliance with the guarantees relating to the signature of articles of agreement and to give full effect to Article 3.***

Articles 4 and 6. Clauses and particulars of the articles of agreement. The Committee notes that, in its reply to its previous comments, in addition to referring to the Bill noted above, the Government indicates that, although provisions have not been adopted on the clauses or content of the articles of agreement, that does not prevent the National Labour Inspection Supervisory Authority (SUNAFIL) from

verifying compliance in general terms with social and labour rules in the maritime sector. The Committee also notes the CATP's indication that, despite section 444(4) of the Regulations issued under Legislative Decree No. 1147 on the strengthening of the armed forces within the areas of competence of the National Maritime Authority – Port and Coastguard Directorate-General (DICAPI), which provides that "The competent authority shall specify the clauses to be included in the articles of agreement of seafarers, in accordance with the national legislation and the international instruments to which Peru is a party …", this is not referred to in any of the other sections of the Regulations, and there do not exist national laws specifically regulating the articles of agreement of seafarers. The CATP adds that, as there are no specific regulations, the engagement of seafarers is governed by the rules applicable to private activity, without taking into account the atypical conditions of seafarers, who are therefore vulnerable in relation to articles of agreement and their fundamental rights are violated. ***The Committee requests the Government to provide its comments in this regard. It also requests the Government to take the necessary measures without further delay to give full effect to Article 4 and to establish the particulars and clauses to be included in the articles of agreement of seafarers under section 444(4) of the Regulations issued under Legislative Decree No. 1147 and in conformity with Article 6 of the Convention.***

Article 5. Document recording service on board. The Committee notes that, in reply to its previous comments, the Government refers to the inspections carried out by the labour inspection services in the fishing sector, which are not relevant to the present case. It also notes the CATP's indication that the State of Peru has not amended the legislation with a view to guaranteeing that seafarers receive a document containing a record of their employment on board. The CATP adds that the limited coordination between the authorities that enforce compliance with this requirement makes it impossible to verify compliance in practice. ***The Committee requests the Government to provide its comments in this respect. It also requests the Government to take the necessary measures without further delay to give full effect to Article 5.***

Articles 9 and 11. Termination of an agreement of an indefinite period. Immediate discharge. With reference to its previous comments, in which it noted that the Regulations issued under Legislative Decree No. 1147 do not give effect to these provisions, the Government notes that the Government refers in generic terms to the information provided on the previous points. It also notes the CATP's indication that the general rules applicable to the private sector are the only ones implemented in this respect, which does not permit the direct application of the provisions of *Article 9* of the Convention. In contrast, the rules governing private labour activities, contained in the Single Codified Text of Legislative Decree No. 728, the Act on labour productivity and competitiveness, Presidential Decree No. 003-97-TR, provides that notice of termination shall be 30 calendar days. With reference to *Article 11* of the Convention, the CATP indicates that section 31 of the same Presidential Decree provides for immediate discharge in cases of "flagrant serious fault", which makes it possible for employers to discharge workers abruptly, without having to comply with the regular procedure for termination of employment. ***The Committee requests the Government to provide its comments in this regard. It also requests the Government to take the necessary measures without further delay to determine the conditions for the termination of articles of agreement for an indefinite period and the circumstances in which the shipowner or the master may immediately discharge a seafarer, in accordance with Articles 9 and 11.***

Repatriation of Seamen Convention, 1926 (No. 23)

Article 6. Obligations of the public authority of the country in which the vessel is registered. Noting that, in accordance with section 755(2) of the Regulations issued under Legislative Decree No. 1147, the National Maritime Authority shall contribute to the prompt repatriation or re-embarkation of seafarers by the shipowner following a marine accident, the Committee previously requested the Government to provide information on the instructions received by the public authority to ensure the repatriation of seafarers without distinction of nationality and to advance repatriation expenses if necessary. The

Committee notes the Government's indication that it will provide information on this subject in the near future. The Committee also notes the CONFIEP's indication that, despite the challenges implicit in the geographical area, companies comply with the provisions of the Convention and have established clear procedures for repatriation situations, including taking out insurance to cover the related costs. The Committee also notes the CATP's indication that, although the National Maritime Authority is required to collaborate in the repatriation of seafarers, in practice there are no provisions under which this requirement is given effect. In this context, none of the obligations of the National Maritime Authority set out in section 775(2) of the Regulations issued under Legislative Decree No. 1147 (protection of the basic human rights of seafarers affected by a marine accident, rapid investigation of accidents, recording of cases of unfair treatment following a marine accident) are complied with in practice. ***The Committee requests the Government to provide its comments in this regard. It also requests the Government to take the necessary measures without delay to give full effect to Article 6.***

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)

Articles 6(3) and 8 of the Convention. Repatriation. Safeguarding property left on board. The Committee notes that, in reply to its request on the items of expense covered for the repatriation of a sick or injured seafarer *(Article 6(3))* and the measures to safeguard property left on board in the case of sick or injured seafarers *(Article 8)*, the Government indicates that it will provide information in the near future. It also notes the CONFIEP's indication that formal fishing companies not only take occupational safety and health preventive action to minimize occupational accidents, but also, in the event that any work-related accident occurs, they make claims from all insurance policies to provide compensation and ensure the provision of the necessary medical care in the event of sickness or injury. The Committee also notes the CATP's indication that there is a clear legislative disparity between the occupational safety and health legislation (Act No. 29783 on occupational safety and health) and the Regulations issued under Legislative Decree No. 1147 since, while the former provides that occupational accidents and diseases shall be registered on the platform of the Ministry of Labour and Employment Promotion (MTPE) by the employer or the corresponding occupational doctor, the latter envisage a different role for the National Maritime Authority. With reference to *Article 8*, the CATP indicates that there is currently no legislation in force in Peru providing for the safeguarding of property left on board by sick or injured seafarers. ***The Committee requests the Government to provide its comments in this regard. It also requests the Government to take the necessary measures without further delay to determine the items of expense covered for the repatriation of a sick or injured seafarer (Article 6(3)) and to ensure the safeguarding of property left on board by sick or injured seafarers.***

Sickness Insurance (Sea) Convention, 1936 (No. 56)

The Committee notes the CATP's indication that, as a result of the legislative fragmentation respecting the social security system for fishers, of the approximately 133,000 workers who were in the fishing sector in 2022, only 37 per cent are affiliated to any insurance scheme in Peru, while 63 per cent do not have any social insurance coverage. It adds that efforts were made to ensure compulsory insurance coverage for artisanal fishers (a group which includes the great majority of workers in the sector) through Act No. 30636 establishing the Compulsory Insurance Scheme for Artisanal Fishers (SOPA). This scheme operated as an insurance for personal accidents and covered the risks of the death and physical injury of self-employed artisanal fishers and crewmembers, as well as third persons who are not in the crew, during fishing work, as a consequence of an accident in which the vessel is involved, including in waters adjacent to the maritime domain. The CATP indicates that, regrettably, regulations were never issued under Act No. 30636 and that in 2022 it was repealed by Act No. 31428, and that full effect is not therefore given to *Articles 1* and *2* of the Convention in Peru. ***The Committee requests the Government to provide its comments in this respect.***

Minimum Age (Sea) Convention (Revised), 1936 (No. 58)

The Committee notes the indication by the CONFIEP that the effective implementation of this Convention in the national context faces various challenges. Young persons who work in the maritime sector are faced by a variety of risks and hazards, including extreme working conditions, such as very long hours of work, the lack of rest, work in confined spaces, exposure to hazardous substances and the risk of accidents. One of the main difficulties in the application of this Convention in Peru lies in the high rate of informality characteristic of the maritime sector. The absence of labour registers and the difficulty of identifying workers, especially minors, makes effective enforcement difficult. This is compounded by the limited capacity of the competent authorities to carry out inspections, which facilitates non-compliance with labour rules, including those respecting the minimum age for admission to work. ***The Committee requests the Government to provide its comments in this regard.***

Food and Catering (Ships' Crews) Convention, 1946 (No. 68)

Article 3 of the Convention. Cooperation with organizations of shipowners and seafarers. The Committee notes that, in reply to its comments, the Government indicates that it will provide information in the near future. The Committee also notes the CATP's indication that the legislation in force does not provide any legislative guarantee to ensure the existence in practice of effective cooperation between the Government and the organizations of shipowners and seafarers, and that effect is not therefore given to *Article 3.* ***The Committee requests the Government to provide its comments in this respect. It also requests the Government to take the necessary measures without further delay to ensure cooperation between the competent authority and the organizations of shipowners and seafarers in relation to food and catering on board.***

Article 11(2). Refresher courses. The Committee notes the CATP's indication that, although the Government had indicated previously that there were some training courses related to work performed by seafarers, the current legislation in Peru does not directly establish the requirement for refresher courses for personnel involved in the provision of food and catering on board ships. It adds that it is reported to be a common practice that the personnel responsible for the provision of food do not always have the necessary qualifications or skills for that purpose, which is the clear responsibility of the shipowners who recruit such workers. ***The Committee requests the Government to provide its comments in this respect.***

Article 12. Collection and dissemination of information and recommendations. The Committee notes that, in reply to its previous comments, the Government once again indicates that it will provide information in the near future. It also notes the CATP's indication that, over eight years since the Committee's request (of 2016), the Government of Peru has not managed to provide information on this subject, since in practice no action has been taken on the collection and dissemination of information on food and catering on board ships. ***The Committee requests the Government to provide its comments in this respect. It also requests the Government to take the necessary measures without further delay for the collection and dissemination of information and for issuing recommendations on food and catering***.

Certification of Ships' Cooks Convention, 1946 (No. 69)

Article 4(4) of the Convention. Examination for a certificate of qualification. The Committee notes that, in reply to its previous request, the Government indicates that it will provide information in the near future. The Committee also notes the CATP's indication that, although it is currently the DICAPI that establishes guidance for the provision of courses, shipping companies are also responsible for the provision of courses and their content, which not only gives rise to a potential conflict of interests, but is also a model that is not provided for in the Convention. ***The Committee requests the Government to provide its comments in this respect. It also requests the Government to take the necessary measures***

without further delay to give full effect to Article 4(4), particularly in relation to the organization and content of the examination for the granting of a certificate of qualification for ships' cooks.

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Article 2(d)(i) and (ii) and (g) of the Convention. Procedures for the engagement of seafarers on Peruvian ships. Complaints concerning the engagement of seafarers on foreign ships. Publication of the report of an inquiry into a serious accident. The Committee notes that, in reply to its previous requests on these provisions, the Government indicates that it will provide information in the near future. It also notes the CATP's indication that the possibility for the labour inspection services, under the responsibility of the SUNAFIL, to inspect ships depends on the collaboration and cooperation of the DICAPI. Up to now, no provision has been found which makes it possible to ensure the existence in practice of the collaboration that should exist between these two bodies, nor is there a protocol on intersectoral coordination envisaging such joint work. More specifically, in relation to *Article 2(d)(i)* and *(ii),* there are no legislative provisions in Peru respecting the engagement of seafarers, nor any procedures for complaints relating to the articles of agreement of seafarers. The CATP indicates that conditions on board (deficient Internet connection, little telephone communication, excessive periods on board, restrictions on shore leave, etc.), make it difficult for seafarers to have access to such procedures, which in many cases involve a visit to the offices of public bodies. The CATP adds that effect is not given to *Article 2(g)* since, although there exists a department for the investigation of maritime accidents by the National Maritime Authority, there are no procedures for the publication of information. The CATP adds that the possibility should exist, in line with the provisions of *Article 4* of Convention No. 147, for workers' organizations to be able to submit complaints or representations directly to the DICAPI, but there are no explicit provisions on this in the current legislation. ***The Committee requests the Government to provide its comments in this regard. It also requests the Government to take the necessary measures without further delay to regulate the engagement of seafarers on ships registered in its territory (Article 2(d)(i)) and the procedures for the transmission of complaints concerning the engagement of seafarers on foreign ships (Article 2(d)(ii)), and to give full effect to the requirement for the final report of official inquiries into any serious accident involving ships registered in its territory to be made public (Article 2(g)).***

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 22** *Papua New Guinea;* **Convention No. 58** *Yemen;* **Convention No. 68** *Equatorial Guinea;* **Convention No. 92** *Equatorial Guinea;* **Convention No. 108** *Panama, Poland, Portugal, Romania, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Slovenia, Solomon Islands;* **Convention No. 185** *Albania, Bahamas, Brazil, Congo, Kenya, Montenegro, Pakistan, Philippines, Vanuatu, Yemen;* **MLC, 2006** *Australia, Bahamas, Barbados, Belize, Congo, Cook Islands, Jordan, Lebanon, Malaysia, Maldives, Mauritius, Mongolia, Montenegro, Netherlands (Curaçao), Nigeria, Oman, Palau, Panama, Philippines, Romania, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Switzerland, Tuvalu.*

Fishers

Congo

Work in Fishing Convention, 2007 (No. 188) (ratification: 2014)

The Committee notes with ***concern*** that the Government's report has not been received despite its urgent appeal in 2021. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep regret*** that the Government has failed to submit its first report on the application of the Convention for the fifth consecutive year. As the requested report was not received, the Committee examined the application of the Convention on the basis of publicly available information.

General questions on application. Implementing measures. The Committee notes that the issues covered by the Convention are mainly addressed by Act No. 30-63 of 4 July 1963 issuing the Merchant Shipping Code, amended by Act No. 63-65 of 30 December 1965, and by orders and decrees of the Ministry of Transport, Civil Aviation and Merchant Shipping. It observes that the Merchant Shipping Code has not been revised in order to take into account the requirements of the Convention. The Committee also notes that the Labour Code does not exclude fishers from its scope of application, and that Regulation No. 08/12 UEAC-088-CM-23 of the Central African Economic and Monetary Community (CEMAC) adopting the Community Merchant Shipping Code of 22 July 2012 (CCMM), which is directly applicable in the Congo, also applies to fishing navigation. Having reviewed the available information, the Committee notes certain contradictions between national provisions and between these and the CCMM, as well as the absence of available information on the implementation of numerous provisions of the Convention. Noting that the Constitution of the Congo enshrines the supremacy of ratified international Conventions over national legislation, the Committee underscores, however, the need to avoid any contradiction in the applicable provisions, and recalls that the Convention includes requirements for which Member States have to take the necessary measures to ensure the conformity of national law and practice. ***The Committee therefore requests the Government to adopt without delay the necessary measures to implement the Convention, taking into account the matters raised in the request addressed directly to the Government. The Committee also requests the Government to provide detailed information on consultations held with the representative organizations of fishing vessel owners and fishers concerned, as prescribed by the Convention. It further requests the Government to provide a copy of any legislative texts or other regulatory instruments once adopted, as well as full information on the implementation of the Convention, including updated statistics on the number of fishers who are nationals or residents of the Congo or who work on fishing vessels that fly the Congolese flag. The Committee reminds the Government of the possibility to avail itself of the technical assistance of the Office in this regard.***

The Committee is raising other matters in a request addressed directly to the Government.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Peru

Minimum Age (Fishermen) Convention, 1959 (No. 112) (ratification: 1962)

Medical Examination (Fishermen) Convention, 1959 (No. 113) (ratification: 1962)

Fishermen's Articles of Agreement Convention, 1959 (No. 114) (ratification: 1962)

Previous comment

The Committee notes the reports sent by the Government on the application of Conventions Nos 112, 113 and 114. It also notes the observations of the Autonomous Workers' Confederation of Peru (CATP), received on 1 September 2024.

The Committee notes the Government's indication in reply to its comments that with regard to the Work in Fishing Convention, 2007 (No. 188), the process of submission is under way at the Ministry

of Labour and Employment Promotion (MTPE). The Committee also notes the CATP's indication that the process for the submission and ratification of Convention No. 188 has been at a standstill for years but has not been included on the agendas of the main social dialogue forums, in particular the National Labour and Employment Promotion Council. ***The Committee requests the Government to provide its comments in this respect and to provide information on any developments regarding the possible ratification of Convention No. 188.***

The Committee notes the CATP's indication that the lack of a general labour law to cover all activities in the fishing sector, together with the existence of multiple special labour regimes (such as Supreme Decree No. 009-75-TR on fishing for direct human consumption and Supreme Decree No. 009-76-TR for anchovy fishers) has resulted in a situation of uncertainty and lack of protection for many fishers. The CATP adds that the lack of coordination between the competent authorities together with the high rate of informality in work and lack of inspection make the problem even worse and give rise to situations of labour exploitation and violation of fishers' basic human rights. ***The Committee requests the Government to provide its comments in this respect.***

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on fishing, the Committee considers it appropriate to examine them in a single comment, as set out below.

Minimum Age (Fishermen) Convention, 1959 (No. 112)

Article 2 of the Convention. Minimum age. The Committee notes the Government's reference to Supreme Decree No. 009-2022-MIMP, which approves the list of jobs and activities that are dangerous or harmful to the physical or moral health of young persons. Under the terms of the Decree, hazardous work includes work carried out in seas, lakes, lagoons and rivers, as well as work that has to be performed under water. The Government indicates that such work does not enable immediate access to rescue and protection services and relates to fishing activities and vessel-related services, such as: haulage of nets, air compressors, etc.; on-board services, such as cleaning, maintenance, surveillance, cooking and other activities; and tourism and other related services. The Committee notes the CATP's indication that, although the list of hazardous work refers to work on board ships, this list is of lower legal rank (a Supreme Decree), while the Children and Young Persons Code which states that the minimum age for admission to employment for industrial fishing is 17 years has the status of a law (Act No. 27337), hence there is a lack of harmony and compatibility with the Convention and this should be rectified. ***The Committee requests the Government to provide its comments in this respect. The Committee once again requests the Government to take the necessary steps without delay to give full effect to the Convention, explicitly establishing 15 years as the minimum age for work in fishing with respect to fishers working on all vessels covered by the Convention, including artisanal fishing vessels.***

Medical Examination (Fishermen) Convention, 1959 (No. 113)

Article 3 of the Convention. Consultation with organizations of fishing vessel owners and fishers. The Committee notes the Government's indication, in reply to its previous comments, that the Department of Ships' Masters and Coastguards of Peru (DICAPI) has submitted to prior consultation with public entities, private institutions and civil society organizations (namely, the maritime/fishers' community) the draft amendments to the regulations implementing Legislative Decree No. 1147 regulating the strengthening of the armed forces, under the responsibility of the National Maritime Authority/DICAPI (relating to medical certification, among other things), by means of Ministerial Decision No. 1285-2019 DE/MGP. Hence, by Supreme Decree No. 001-2024, the regulations implementing Legislative Decree No. 1147 were amended. The Committee notes the CATP's indication that the Government does not comply with the terms of *Article 3(1)* since the determination of medical examinations for fishers has not been the subject of consultations or social dialogue with the main workers' organizations in the sector. ***The Committee requests the Government to provide its comments on this respect.***

Article 4(1). Period of validity of medical certificates of young fishers. The Committee notes the Government's indication, in reply to its comments, that: (i) the minimum age for work in industrial fishing is 17 years; (ii) in addition to the age limit, administrative authorization for work for young persons is required, and for this to be granted, a medical certificate must be submitted so that the young person's ability to perform the work can be assessed; (iii) Annex 5 to Supreme Decree No. 003-98-SA, adopting the "Technical standards for supplementary insurance for high-risk work", classifies fishing as a high-risk economic activity to which the supplementary insurance for high-risk work applies. Consequently, all workers in this sector need to undergo an annual medical examination in order to obtain an occupational medical certificate stating that the person does not suffer from any disease which could be aggravated by service at sea, which would render him/her unfit to perform such service, or which could constitute a danger to the health of other persons on board. The Committee notes the CATP's indication that the maximum validity or duration of the medical certificate for this sector should be expressly regulated and not be interpreted in the light of other rules. In this regard, the CATP adds that the Occupational Safety and Health Act (Act No. 29783) does not require employers in high-risk activities to carry out annual medical examinations, which is contrary to the provisions of the Convention. ***The Committee requests the Government to provide its comments in this respect. Recalling that under Article 4(1), in the case of young persons under 21 years of age, the medical certificate must remain in force for a period not exceeding one year from the date on which it was granted, the Committee requests the Government to take the necessary steps without delay to give full effect to this provision of the Convention in law and in practice.***

Article 5. Examination by an independent medical referee. The Committee notes the Government's indication that, in the event of refusal to issue a medical certificate, a fisher may have recourse to a public and/or private medical centre of his/her choosing in accordance with section 6 of Director's Decision No. 0745-2018 MGP/DGCG. The Committee also notes the CATP's indication that the provision referred to by the Government merely indicates which medical centres are recognized by the Maritime Authority but does not refer explicitly to reviewing any refusal of a medical certificate, and so it cannot be considered that this provision brings the national legislation into line with the requirements of the Convention. ***The Committee requests the Government to provide its comments in this respect. With reference to its previous comments, the Committee also requests the Government to take the necessary steps without delay to ensure that the national legislation is in full conformity with Article 5.***

Fishermen's Articles of Agreement Convention, 1959 (No. 114)

Article 3 of the Convention. Written articles of agreement. The Committee notes the Government's indication, in reply to its previous comments, that Bill No. 5869/2023-CR, establishing regulations and recognition for maritime workers, the provisions of which are related to the Convention, is currently before the Labour and Social Security Committee of the National Congress. The CATP points out that sections 444(2), (3) and (4) of Legislative Decree No. 1147 refer to the obligation to have an employment contract for seafarers working on vessels flying the national flag. However, it is only stated in general terms that the Authority will establish the clauses to be included, without this being developed in detail subsequently. The CATP adds that, according to the information on the Ministry of Labour's website, employment contracts in the fishing sector may be in verbal form, and so they are in breach of the Convention. ***The Committee requests the Government to provide its comments in this respect.*** The Committee notes that Legislative Decree No. 1147 (containing specific provisions for fishing personnel), as amended by Supreme Decree No. 001-2024-DE, establishes the requirement for a contract signed by the crew member and by the shipowner only for merchant navy personnel. ***The Committee once again requests the Government to take the necessary steps without delay to give full effect to Article 3 in law and in practice, and to provide information on any legal text adopted in this respect.***

[The Government is asked to reply in full to the present comments in 2026.]

Sierra Leone

Fishermen's Competency Certificates Convention, 1966 (No. 125) (ratification: 1967)

Accommodation of Crews (Fishermen) Convention, 1966 (No. 126) (ratification: 1967)

Previous comment

The Committee notes the Government's reports on the application of Conventions Nos 125 and 126. In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on fishing, the Committee considers it appropriate to examine them together.

Impact of COVID-19 pandemic. The Committee notes that, in reply to its previous comments, the Government indicates that the Ministry of Fisheries and Marine Resources among others took the following measures to address the adverse impacts of the pandemic on fisher's rights: sensitization and awareness campaigns; supply of relief items to fishing communities for COVID-19 management measures; reduction of fishing hours; ban on foreign canoe boats; and provision of sanitizers to all fishing vessels. The adoption of certain restrictive measures was considered crucial in the interest of ensuring public safety and health. However, the rights of fishers were suspended only during the intensity of the spread of the disease. ***The Committee takes note of this information.***

Fishermen's Competency Certificates Convention, 1966 (No. 125)

Articles 3–15 of the Convention. Certificates of competency and professional experience required. The Committee notes that, in reply to its comments, the Government refers to the Merchant Shipping Act No. 3, 2003, as amended in 2008, and the Merchant Shipping (Standard, Training, Certification & Watch Keeping for Seafarers) Regulation, 2021, which are the only legal and regulatory frameworks addressing the issue of competency certificate. The Committee notes the Government's information that, inter alia, the Sierra Leone Maritime Administration ensures that the competent fishers who have undergone the requisite vocational trainings, and or have had a wealth of experience through practice and rendering service in the field are given their competency or proficiency certificate. While noting this information, the Committee notes that none of the legislation cited by the Government gives application to the provisions of the Convention and that the Regulation of 2021 expressly excludes fishing vessels from its scope of application. The Committee observes with ***deep concern*** that the Government has failed to adopt measures to implement the Convention. ***The Committee urges the Government to adopt without delay the necessary measures to give effect to the Convention by ensuring that fishers received adequate training to perform their duties.***

Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)

Articles 6, 10 and 12 of the Convention. Crew accommodation. The Committee notes that, in reply to its comments, the Government indicates that the Convention is yet to be domesticated, and it is engaging with stakeholders to this end. The delay has been principally due to the fact that even though there are many fishing vessels in Sierra Leone, their tonnage and size are small and far below the thresholds contemplated in the Convention. The Government adds that section 167 of the Merchant Shipping Act provides a basis for the implementation of the Convention, as under this section the Minister of Transport and Aviation is invested with the power and authority to make regulations relative to accommodation of crew members. The Government indicates that it will make meaningful efforts to ensure that the necessary measures are adopted to give effect to the requirements of the Convention. While taking note of this information, the Committee observes with ***deep concern*** that the Government has not adopted measures to implement the Convention. ***The Committee urges the Government to adopt without delay the necessary measures to give full effect to the requirements of the Convention in respect of fishing vessels of 75 gross registered tons or more.***

[***The Government is asked to reply in full to the present comments in 2027.***]

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 113** *Panama, Serbia* **Convention No. 114** *Montenegro, Serbia, Slovenia;* **Convention No. 125** *Brazil, Panama, Senegal, Syrian Arab Republic;* **Convention No. 126** *Brazil, Montenegro, Panama, Serbia;* **Convention No. 188** *Angola, Argentina, Congo, Poland, Portugal, Senegal, South Africa, Thailand.*

Dockworkers

Congo

Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) (ratification: 1986)

The Committee notes with ***concern*** that the Government's report has not been received despite its urgent appeal in 2019. It is therefore bound to repeat its previous comments.

The Committee notes with ***deep concern*** that the Government's report has not been received. In light of the urgent appeal made to the Government in 2019, the Committee will examine the application of the Convention on the basis of the information at its disposal.

The Committee notes first that, in addition to its failure to provide a report since 2012, the Government did not provide sufficient information in successive reports and the Committee has not therefore been able to assess the effect given to many of the provisions of the Convention. In its previous comments, the Committee drew the Government's attention to the need to reply to the questions raised on the effect given to several Articles of the Convention, and not to confine itself to providing information on the general legislative provisions applicable to enterprises. The Committee also recalled that, although the Government appeared to consider that dockworkers should be treated in the same manner as other workers and ports treated like any other enterprise, the Government is required, particularly under the terms of *Articles 4 to 7 of the Convention,* to take occupational safety and health measures that are specific to dock work. ***The Committee expects that the Government will take all the necessary measures on an urgent basis to provide full particulars on the following points.***

Article 6(1)(a) and (c). Measures to ensure the safety of dock workers. The Committee notes that, under the terms of section 132 of the Labour Code, enterprises must be maintained in a constant state of cleanliness and ensure the necessary safety and health conditions for the health of the personnel, and that they must be so organized as to ensure the safety of the workers. By virtue of subsection 5, instructions on the prevention of occupational risks shall be posted in each workplace and each worker shall be informed by the employer of these instructions at the time of recruitment. ***The Committee requests the Government to indicate the manner in which effect is given to this general provision in dock work in order to ensure that workers do not misuse or interfere without due cause with the operation of any safety device provided for their own protection or the protection of others at the workplace, and that they are able to report any situation which they have reasons to believe could present a risk and which they cannot correct themselves.***

Article 7. Consultation with employers and workers or their representatives. The Committee notes that, under the terms of section 131 of the Labour Code, a National Technical Commission for Occupational Health, Safety and Risk Prevention shall be established in the Ministry of Labour to examine matters relating to occupational safety and health and the prevention of employment risks. It notes that Decree No. 2000-29 of 17 March 2000 determines the composition and operation of this Commission. In accordance with section 2 of the Decree, the Commission is a tripartite advisory body under the authority of the Minister of Labour with the mandate to: re-examine periodically a coherent national policy on occupational safety and health in the workplace; propose any measures likely to improve occupational safety and health; and provide opinions on any related draft law or decree. ***The Committee requests the Government to provide information on the work of the National Technical Commission for Occupational Health, Safety and Risk Prevention in relation to occupational safety and health issues in dock work, as well as information on any other measures to ensure the collaboration of employers and workers or their representatives in the application of the measures giving effect to the Convention.***

Article 8. Cessation of work in workplaces that are unsafe. The Committee previously recalled that Chapter II of Order No. 9036 of 10 December 1986, to which the Government referred, contains general protective measures, whereas the Convention requires the adoption of measures specific to dock work. ***The Committee urges the Government to indicate the provisions (regulations or other measures) requiring the adoption of effective protection measures (fencing, flagging or other suitable measures, including, where necessary, cessation of work) to ensure that when the workplace has become unsafe, workers are protected until it has been made safe again.***

Article 12. Fire-fighting measures. The Committee notes that, under the terms of section 77 of Order No. 9036, heads of establishments shall take the necessary measures to control any incipient fires rapidly and effectively. However, the Committee notes that the only means envisaged to fight fires appear to be the use of extinguishers. ***The Committee requests the Government to provide information on the manner in which effect is given to section 77 of Order No. 9036 in dock work, and to specify whether other appropriate fire-fighting means are provided in docks, such as fixed systems, flexible hoses and fire hydrants.***

Article 14. Construction, installation, operation and maintenance of electrical equipment. The Committee previously noted the Government's indication that the application of this Article is ensured by inspections of enterprises by labour inspectors. The Committee also notes that section 133 of the Labour Code contains general provisions on the prevention of risks related to electrical equipment and installations, and more specifically on work in wells, gas and water pipes, sceptic tanks, vessels and any equipment that may contain deleterious gasses. Noting that this information is still insufficient as a basis for assessing the effect given to this Article of the Convention relating to electrical equipment and installations, the Committee draws the Government's attention to section 3.6.4 (Electrical equipment) of the ILO Code of practice on safety and health in ports (2016), which provides indications on the main elements to be taken into consideration in the installation, operation and maintenance of electrical equipment and installations in ports. ***The Committee therefore urges the Government to indicate the texts or other measures which ensure that electrical equipment and installations used in dock work are so constructed, installed, operated and maintained as to prevent danger, and to specify the standards that have been recognized by the competent authority in this regard.***

Article 17. Access to a ship's hold or cargo deck. The Committee previously noted that section 41 of Order No. 9036, cited by the Government, sets out measures for the immobilization when stopped of lifting devices mounted on wheels, such as bridge cranes, gantry cranes, hoists on monorails and derricks, and to prevent their movement under specific atmospheric conditions (wind action). Recalling that the information provided is insufficient to be able to assess the effect given to this Article of the Convention, which requires the competent authority to determine the acceptability of means of access to a ship's hold or cargo deck, the Committee draws the Government's attention to section 7.3 (Access on board ships) of the ILO Code of practice on safety and health in ports (2016), which contains indications on the main elements to be taken into consideration in determining the means of access to a ship's hold or cargo deck. ***The Committee urges the Government to indicate the texts or other measures setting out the means of access to a ship's hold or cargo deck, and to specify the manner in which the competent authority determines their acceptability.***

Article 21. Design of lifting appliances, items of loose gear and lifting devices. The Committee previously noted that sections 47 to 49 of Order No. 9036 referred to by the Government only set out protection measures for some machinery or parts of machines that can be dangerous. ***The Committee requests the Government to indicate the measures adopted or envisaged to ensure that all lifting appliances, every item of loose gear and every sling or lifting device forming an integral part of a load are designed, used and maintained in compliance with the provisions of the Convention.***

Article 35. Evacuation of injured persons. The Committee previously noted that section 147 of the Labour Code regulates the evacuation of injured persons who can be moved and who cannot to be treated by the facilities made available by the employer. ***The Committee requests the Government to indicate the measures adopted, under the terms of section 147 of the Labour Code, or by any other means, to ensure that adequate facilities, including trained personnel, are readily available for the provision of first aid.***

Article 36(1)(d). Appropriate measures for the provision of occupational health services for workers. The Committee notes that Order No. 9033 of 10 December 1986 determines the organization and operation of the socio-health structures of enterprises installed in the country. In accordance with section 7 of the Order, socio-health personnel are responsible, among other tasks, in accordance with the laws and regulations in force, for: carrying out systematic medical examinations; ensuring the health education and information of workers; providing care to workers and their families who are ill; participating in the improvement of working conditions in the enterprise; and participating in the determination of occupational diseases. ***Recalling that, in accordance with this Article of the Convention, appropriate measures for the provision of an occupational health service for workers should be determined after consultation with the organizations of employers and workers concerned, the Committee requests the Government to indicate the manner in which employers' and workers' organizations are consulted in the organization and operation of socio-health centres, and in the activities of socio-health personnel, in enterprises engaged in dock work.***

Article 37. Safety and health committees. The Committee recalls that, under the terms of this Article of the Convention, safety and health committees shall be formed at every port where there is a significant number of workers and, as necessary, at other ports. In this regard, the Committee recalls that Order No. 9030 on safety and health committees in undertakings (10 December 1986) provides that such committees, which include the head of the undertaking or is representative, the responsible agent for safety issues, the occupational doctor, the chief of staff and the workers delegates, should be established in all industrial undertakings and enterprises. These committees would be in charge of determining and implementing the internal policy on occupational safety and health. However, the Committee had noted from the Government's previous report that the health and safety committees provided for by the law have not yet been established. ***The Committee urges the Government to provide information on any measures adopted for the establishment of safety and health committees provided for by the law in the port sector, with an indication of the manner in which the organizations of employers and workers concerned were consulted on the establishment, composition and functions of these committees.***

Article 38(1). Adequate instruction and training. The Committee notes that, in accordance with section 141-3 of the Labour Code, employers are required to ensure the information and instruction of workers and the prevention of occupational risks inherent to the occupation or activity of the enterprise. The Committee previously noted the Government's indication that the instruction and training of workers are entrusted to a specialist in this field at the enterprise level. ***The Committee urges the Government to indicate how instruction and training are ensured for workers engaged in dock work, particularly in relation to the potential risks attaching to the work and the main precautions to be taken. Furthermore, the Committee requests the Government to provide the available information on the activities of the specialists in instruction and training in enterprises engaged in dock work.***

Finally, in the absence of information on the application of the following provisions of the Convention, the Committee urges the Government to indicate any regulations or other measures adopted or envisaged to give full effect to them:

- ***Article 9(1) and (2). Safety measures with regard to lighting and marking of dangerous obstacles.***
- ***Article 10(1) and (2). Maintenance of surfaces for traffic or stacking of goods and the safe manner of stacking goods.***
- ***Article 11(1) and (2). Width of passageways and separate passageways for pedestrians.***
- ***Article 16(1) and (2). Safe transport to or from a ship or other place by water, safe embarking and disembarking, and safe transport to or from a workplace on land.***
- ***Article 18(1)–(5). Regulations concerning hatch covers.***
- ***Article 19(1) and (2). Protection around openings on decks, closing hatchways when not in use.***
- ***Article 20(1)–(4). Safety measures when power vehicles operate in the hold; hatch covers secured against displacement; ventilation regulations; safe means of escape from bins or hoppers when dry bulk is being loaded or unloaded.***
- ***Article 22(1)–(4). Testing of lifting appliances and items of loose gear.***
- ***Article 23(1) and (2). Certification of lifting appliances.***
- ***Article 24(1) and (2). Inspection of items of loose gear and slings.***
- ***Article 25(1) and (2). Records of lifting appliances and items of loose gear.***
- ***Article 26(1)–(3). Mutual recognition by Members of arrangements for testing and examination.***
- ***Article 27(1)–(3). Marking lifting appliances with safe working loads.***
- ***Article 28. Rigging plans.***
- ***Article 29. Strength and construction of pallets for supporting loads.***
- ***Article 30. Necessary measures for the raising or lowering of loads.***
- ***Article 31(1) and (2). Lay-out and organization of work in freight container terminals.***

- ***Article 32(1)–(4). Handling, storage and stowing of dangerous substances; compliance with international regulations for the transport of dangerous substances; prevention of the exposure of workers to harmful substances or atmospheres.***
- ***Article 34(1) to (3). Protective equipment and clothing.***
- ***Article 36(1)(a), (b) and (c), (2) and (3). Medical examinations.***
- ***Article 38(2). Minimum age limit for the operation of lifting appliances.***

Part V of the report form. Application of the Convention in practice. ***The Committee urges the Government to provide information on the manner in which the Convention is applied in the country and in particular information on the number of dockworkers covered by the legislation, the number and nature of the contraventions reported and the number of occupational accidents and diseases reported in dock work.***

The Committee trusts that the Government will take all the necessary measures on an urgent basis to give full effect to the Convention and that it will provide a detailed report in this regard.

The Committee expects that the Government will make every effort to take the necessary action in the near future.

Panama

Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32) (ratification: 1971)

Previous comment

Regulations in application of the Convention. The Committee recalls that in 1996 it noted for the first time the Government's indication that the revision of the General Regulations on Safety and Health in Dock Work of the National Ports Authority (21 October 1988, *Official Gazette* 21–161, Agreement 388) – which aim to establish standards and procedures on the prevention of occupational accidents and diseases, occupational safety and health, fire prevention and the safe handling of cargo, in order to ensure the safety and efficiency of dock work – was ongoing. The Committee notes with ***deep concern*** that this revision has still not been completed, despite the Committee's repeated comments requesting its finalization. ***While noting with regret that the draft General Regulations on Safety and Health in Dock Work have still not been adopted, the Committee firmly expects that the Government will finalize the revision thereof without further delay.***

Effect given to certain provisions of the Convention. The Committee recalls that in its previous comments it requested the Government to give effect to certain provisions of the Convention not covered by the General Regulations in question. The Committee notes the brief information provided by the Government in this regard:

- *Article 2(2), (3) and (4) of the Convention. Access*. The Government indicates that the Panama Maritime Authority and the department for port facilities conduct inspections concerning access. The Committee recalls that, in its previous comments, it requested the Government to adopt a provision to regulate this issue.
- *Article 9(2)(2). Inspection of hoisting machines.* The Government indicates that the port facilities are responsible for periodic safety checks of hoisting machines, in accordance with the standards of the manufacturer and the individual facility; and that the Panama Maritime Authority carries out monthly inspections. In addition, Title V, Chapter I of the General Regulations on Safety and Health in Dock Work indicates the aspects to consider with regard to hoisting equipment. The Committee recalls that in its previous comments it noted that these Regulations do not contain provisions that give effect to this Article of the Convention.
- *Article 11(1). Supervision by a competent person while a load is suspended.* The Government reports that such safety measures are set out in section 33, Title II of the current General Regulations on Safety and Health in Dock Work. The Committee recalls that in its previous comments it

noted that these Regulations do not contain a provision to give effect to this Article of the Convention.

- *Article 11(2) and (8). Employment of a signaller and compliance with the maximum permitted load of hoisting machines.* The Government indicates that, in accordance with the General Regulations on Safety and Health in Dock Work, the port facilities must have personnel responsible for ensuring that the maximum permitted load is visibly indicated on the hoisting equipment and for signalling hoisting. The Committee recalls that in its previous comments it noted that these Regulations contain provisions relating to the operations of container terminals (sections 89 and 95 of the Regulations), and requested the Government to adopt the legal or administrative texts to guarantee the application of these provisions in the case of general loading as well.
- *Article 11(5). Escape.* The Government indicates that the General Regulations on Safety and Health in Dock Work instruct officials of the department for dock safety and health to verify during inspections that escape routes from docks are clearly indicated and free of obstructions. The Committee recalls that in its previous comments it noted that the Regulations do not contain provisions to give effect to this Article of the Convention.
- *Article 14. Fencing, gangways, gear, ladders, life-saving means or appliances.* The Government indicates that during inspections it is checked that all of the above are in the right place, secured, in good condition, clean and clearly indicated. Any cases to the contrary are reported. The Committee recalls that in its previous comments it noted that the Regulations do not contain provisions to give effect to this requirement of the Convention.

The Committee trusts that the new General Regulations on Safety and Health in Dock Work will include specific provisions relating to all the Articles and subparagraphs of the Convention referred to above. The Committee requests the Government to provide information in this respect and a copy of the Regulations in question, once adopted.

Application in practice. The Committee welcomes the statistical information provided by the Government, which includes: (i) the total number of workers covered by the Convention, amounting to 2,179, 1,614 of whom are in operational posts; and (ii) the number, type and cause of accidents recorded between October 2023 and February 2024. It further notes that, according to information available on the website of the Panama Maritime Authority, it has started a national port inspection tour and will implement a short, medium and long-term preventive and corrective maintenance plan for ports. ***The Committee requests the Government to provide information on the results of the current and any subsequent inspection tour, as well as on the measures taken in the short, medium and long term, and the implementation of the preventive and corrective maintenance plan to ensure the protection of dockworkers against accidents. In addition, it requests the Government to continue to provide relevant information to enable the Committee to examine the application of the Convention in practice, particularly inspection reports on the number and nature of infringements found and the measures adopted to minimize the risk of accidents, as well as the number of the most frequent accidents and illnesses.***

Prospects for the ratification of the most up-to-date Convention. ***The Committee takes this opportunity to encourage the Government to follow up on the decision of the Governing Body at the 352nd Session (October–November 2024), in which the recommendations of the Standards Review Mechanism Tripartite Working Group were adopted, and to consider the possibility of ratifying the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), which is the most up-to-date instrument in this area. The Committee requests the Government to provide information on measures taken in this respect.***

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 27** *Papua New Guinea, Peru;* **Convention No. 32** *Belarus, Pakistan, Singapore, Slovenia;* **Convention No. 137** *Afghanistan, Brazil, Poland, Romania, Spain;* **Convention No. 152** *Brazil, Montenegro, Peru, Spain, Sweden.*

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 137** *Sweden.*

Indigenous and tribal peoples

Brazil

Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratification: 2002)

Previous comment: observation

Previous comment: direct request

The Committee notes the observations of the Single Confederation of Workers (CUT), received on 2 September 2024.

Follow-up to the recommendations of the tripartite committee (representation made under article 24 of the ILO Constitution)

Rights of the Quilombola communities of Alcântara to the lands they traditionally occupy. The Committee recalls that, for many years, it has been examining the question of the impact of the establishment of the Alcântara Launch Centre (CLA) and the Alcântara Space Centre (CEA) on the rights of the Quilombola communities of Alcântara. The Committee notes in this regard that the Governing Body, at its 351st Session (June 2024), adopted the recommendations of the tripartite committee set up to examine the representation made by the Union of Rural Workers of Alcântara (STTR) and the Union of Family Agricultural Workers of Alcântara (SINTRAF), alleging non-observance by Brazil of the Convention, based on the situation of the Quilombola communities of Alcântara. The tripartite committee recommended that the Government: (i) complete without delay the process of titling the lands of the Quilombola communities: (ii) enable communities displaced of the CLA to carry out their traditional and subsistence activities, including fishing; (iii) carry out social, cultural and environmental impact studies in cooperation with the Alcântara communities; (iv) consult the communities that would be affected by the expansion of the CLA; and (v) ensure that any transfer of these communities takes place with their free and informed consent or takes place through legal procedures that guarantee the provision of lands of equal or better quality and legal status.

The Committee takes due note of information provided by the Government in its report that no steps are currently being taken to expand the CLA. The Chief of Public Administration suspended the legal effects of the order of 10 May 2013, which provided for the exclusion of 12,546 hectares of Quilombola territory in order to expand the CLA.

The Government also indicates that under Decree No. 11.502 of 2023, an interministerial working group was established in order to propose alternatives for the titling of the lands of the Quilombola communities of Alcântara, taking into account the interests of the communities and the CEA. The Committee notes the final report of the interministerial working group of 26 April 2024 which contains detailed information on the meetings held, the proposals prepared by the ministries, the Quilombola communities and the space programme, and on the draft consultation plan for the Quilombola communities of Alcântara in relation to the activities and public policies of the space centre. The Government indicates that, in parallel with the proposals set out in the report of the interministerial working group, it initiated negotiations with the representative bodies of the communities concerned in order to reach an agreed solution and resume the regularization procedure for the Quilombola territory, which had been paralysed for almost 16 years.

The Committee notes that on 19 September 2024, during an official ceremony attended by the President of the Republic, national representatives, the Quilombola communities of Alcântara and other movements (including one of the trade unions that made the representation to the ILO) signed the Conciliation, Commitments and Reciprocal Recognition Agreement (TCCR). The Committee notes that in the Agreement: (i) the Government and the Air Force Command indicate that they do not object to the

recognition of the 78,105 hectares, including the 12,645 hectares previously envisaged for the extension of the CLA, identified as traditional territory of the Quilombola communities of Alcântara in the technical study on identification and demarcation of the National Institute of Settlement and Agrarian Reform (INCRA) of 2008, and cease any action in this regard, and undertake to raise no further objections and to respect the area allocated to the CLA by the Federal Government; (ii) the Quilombola communities declare that they agree with the identification and demarcation carried out by INCRA and with the existence of the CLA in the area in which it is established. They also agree not to raise any further objections in this regard; (iii) it is indicated that the President of INCRA will sign the order of recognition and demarcation of the Quilombola territory of Alcântara covering an area of 78,105 hectares; and (iv) within a time frame of 12 months INCRA will begin the titling process of the identified and declared territory.

The Committee notes with ***interest*** the adoption of Order No. 658 of 17 September 2024 in which INCRA recognizes as lands of the Quilombola community of Alcântara the area of 78,105 hectares demarcated in 2008, as well as Decree No. 12.190 of 20 September 2024, which declares the rural estates included in those lands to be of social interest for purposes of expropriation and authorizes INCRA to promote and execute the expropriation, in accordance with the law in force.

Furthermore, regarding the access of the communities to the sea, the Committee notes the Government's indication that only the area adjacent to the CLA requires access control, as it is a national security zone. In order to safeguard the exercise of the right of access to the sea, the Government introduced a register of community members so that, once registered, they can access the coastal strip of the CLA whenever they wish, a procedure that also applies to military personnel.

The Committee welcomes the measures taken by the Government to further the recognition of the territorial rights of the Quilombola communities of Alcântara and the violation of their rights, including in the context of the establishment of the CLA, and hopes that the Government will continue its efforts to finalize the titling process of the Quilombola territory of Alcântara recognized and demarcated by INCRA. The Committee requests the Government to indicate the concrete measures taken by INCRA and the competent authorities to accelerate this process.

Articles 2 and 7 of the Convention. Coordinated and systematic action. The Committee welcomes the establishment of the Ministry of Indigenous Peoples which, in accordance with Decree No. 11.355 (as amended by Decree No. 11.780 of 2023), is responsible for, inter alia, indigenous policy, the defence, exclusive enjoyment and management of indigenous lands and territories, and the protection of isolated and recently-contacted indigenous peoples. The Committee also notes the establishment of the Committee for the Promotion of Public Policies for the Social Protection of Indigenous Peoples, which plans, coordinates, proposes and monitors measures aimed at guaranteeing the social rights and promoting the well-being of indigenous peoples through the promotion of differentiated and bilingual indigenous education; guaranteeing food security; implementing health and basic sanitation policies; developing action plans to eradicate prejudice and discrimination; and strengthening public security in indigenous territories in accordance with their customs and traditions. The Committee will be coordinated by the Ministry of Indigenous Peoples and will meet regularly every 15 days (Decree No. 11.707 of 2023).

The Committee also notes that the subject of indigenous peoples constitutes one of the cross-cutting agendas of the federal Multi-year Plan of Action for the period 2024–27, which includes in its strategic objectives the promotion of the rights of indigenous and Quilombola peoples and traditional populations, guaranteeing a decent life and citizenship, valuing their culture, traditions, ways of life and knowledge.

The Committee welcomes these initiatives, which demonstrate the Government's willingness to develop coordinated and systematic action to protect the rights of the peoples covered by the Convention and to guarantee respect for their integrity. ***The Committee encourages the Government to***

take all the necessary measures to ensure that the Ministry of Indigenous Peoples, with the participation of the peoples concerned, formulates and implements a public policy relating to indigenous peoples. The Committee also hopes that the Committee for the Promotion of Public Policies for the Social Protection of Indigenous Peoples will have the appropriate resources to fulfil its functions of coordinating and monitoring the measures aimed at guaranteeing the social rights and promoting the well-being of the peoples covered by the Convention and requests the Government to indicate the measures taken in this regard at the state and regional levels and to ensure the participation of indigenous and tribal peoples. Please indicate whether evaluations of the implementation of the national policy and the results achieved have been carried out.

Article 3. Human rights. With regard to the necessary measures to protect the life and physical and psychological integrity of indigenous and tribal peoples from the acts of violence, threats and killings referred to in its previous comments, the Committee notes the Government's indication that it has established a working group to contribute to the determination of the measures necessary to protect the life and physical and psychological integrity of indigenous peoples. It also indicates that the claim has been asserted to the Alto Rio Guamá indigenous land, traditionally occupied by the Tembé people in Pará, involving the removal of non-indigenous occupants and the return of full ownership to the traditional community.

The Committee also notes that, in a press release dated 17 October 2024, the Inter-American Commission on Human Rights (IACHR) and the Regional Office for South America of the Office of the United Nations High Commissioner for Human Rights expressed concern that in recent months there have been acts of violence against indigenous communities, including assaults by private actors and police forces, resulting in the forced displacement of communities and the death of several community members who were defending their lands. These included the killing of leaders of the Pataxó Hã-Hã-Hãe people, Lucas Santos de Oliveira in December 2023, and Maria de Fátima Muniz de Andrade, known as Nega Pataxó, in January 2024. On 17 September 2024, Neri Ramos da Silva, a young indigenous man from the Guaraní Kaiowá people, was killed while attempting to reclaim lands previously demarcated for his community. The Committee also notes that the Inter-American Court of Human Rights, during its visit to Brazil to monitor precautionary measures (2023), visited the Araribóia indigenous land, where members of the Guajajara and Awá indigenous peoples raised the alarm regarding an increase in violence in their territory due to the presence of unauthorized third parties who threaten and murder community leaders and members.

The Committee further notes that several United Nations bodies expressed concern at the high levels of violence against indigenous and Quilombola communities, especially against defenders of the human rights of these peoples, and the occurrence of forced evictions due to land-grabbing by ranchers, extractive industries, illegal logging and other industrial projects (CCPR/C/BRA/CO/3, 2023,, CAT/C/BRA/CO/2, 2023 and CERD/C/BRA/CO/18-20, 2022).

The Committee notes with ***deep concern*** this information that demonstrates the persistence of a climate of violence and attacks on the lives and physical integrity of the indigenous and Quilombola communities, related, among other causes, to the lack of demarcation of indigenous lands and the occupation of lands by third parties. The Committee recalls that the persistence of a climate of violence constitutes a serious obstacle to the exercise of the rights of indigenous peoples established in the Convention. ***The Committee therefore strongly urges the Government to take all the necessary measures to ensure adequate protection for the life and physical and psychological integrity of the peoples covered by the Convention, in particular by strengthening the presence of the State. The Committee also requests the Government to indicate the measures taken for the prompt investigation of the murders of the indigenous leaders and the acts of violence committed in order to determine responsibilities and punish those who are found guilty. Finally, taking into account the size of the territory and the indigenous peoples' settlement in remote and sometimes very hard-to-reach areas, the Committee suggests that the causes of the violence are identified through coordinated action by***

the various authorities and institutions, and that appropriate measures are taken to prevent and combat it.

Articles 6, 7, 15 and 16. Consultations. The Committee notes with ***regret*** the absence of information from the Government on the status of the consultation protocols adopted by a number of indigenous peoples with the support of the National Indigenous Peoples Foundation (FUNAI); on how it is ensured in practice that these protocols are applied in a systematic and coordinated manner throughout the country; and on the adoption of a regulatory framework on consultations.

The Committee notes that the United Nations Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Racial Discrimination, in their concluding observations, expressed concern at the lack of consultation with the indigenous communities concerned (CEDAW/C/BRA/CO/8-9, 2024, E/C.12/BRA/CO/3, 2023, and CERD/C/BRA/CO/18-20, 2022).

The Committee once again encourages the Government to take the necessary measures to make progress in the adoption of a regulatory framework on consultation to provide the peoples covered by the Convention with a suitable mechanism to exercise their right to be consulted and to participate effectively whenever consideration is being given to legislative or administrative measures which may affect them directly, and to provide greater legal certainty for all stakeholders. The Committee recalls the need to consult the indigenous and Quilombola peoples as part of this process and to enable them to participate fully through their representative institutions so that they can express their views and influence the final outcome of the process. Finally, the Committee once again requests the Government to provide information on: (i) the status of the protocols adopted by the peoples covered by the Convention; (ii) how it is ensured in practice that these protocols are applied in a systematic and coordinated manner throughout the country whenever consideration is being given to the adoption of legislative or administrative measures; and (iii) the consultation processes carried out, including those undertaken on the basis of these protocols.

Article 14. Lands. The Committee notes that the Government has not provided information on the human and material resources available to FUNAI and INCRA for the performance of their functions with regard to studies, the delimitation, demarcation and registration of lands, and to follow up on the pending procedures in this regard. The Committee notes, however, that according to information available on the website of the Office of the President of the Republic, at the TCCR signing ceremony, the President delivered 21 land titles to 19 Quilombola communities in nine Brazilian states (five in Amapá, four in Maranhão, three in Sergipe, three in Paraíba, two in Rio Grande do Norte, two in São Paulo, and two in Ceará, covering 120,000 hectares) and signed 11 Decrees of social interest, which is the first step towards the titling of their territories.

Regarding the "time frame" doctrine whereby only lands actually occupied on 5 October 1988, the date of the promulgation of the Constitution, can be recognized as lands traditionally occupied by indigenous peoples, the Committee notes that proposals have been made to incorporate this doctrine into the Constitution (proposed constitutional amendment (PEC) No. 48/2023). The Committee also notes that in Ruling No. 1017365 of 21 September 2023, the Federal Supreme Court (TSF) rejected the proposition of the "time frame" doctrine for the demarcation of indigenous lands, holding that the date of the promulgation of the Federal Constitution could not be used to define the traditional occupation of the land by these communities. The Committee notes that, despite the decision of the TSF and the veto of the President of the Republic, Act No. 15.701, of 20 October 2023, was adopted, establishing that lands traditionally occupied by indigenous Brazilians are those which, on the date of the promulgation of the Federal Constitution, were simultaneously: (i) permanently inhabited by them; (ii) used for their productive activities; (iii) essential for the preservation of the environmental resources necessary for their well-being; and (iv) necessary for their physical and cultural reproduction in accordance with their usages, customs and traditions. The Committee notes that five cases challenging the constitutionality

of the Act are pending before the TSF, and that the TSF decided to hold, between August and December 2024, conciliation hearings between the parties concerned.

The Committee notes that, in its latest observations, the CUT indicates that the adoption of Act No. 15.701 of 2023 is in violation of the rights of indigenous peoples enshrined in the Convention, as at no time during the adoption of the Act were the indigenous peoples duly consulted and that its content is contrary to the provisions of the Convention relating to the rights of indigenous peoples to their lands. The CUT also alleges that the decision to establish a conciliation committee would oblige indigenous peoples to participate in a conciliation process where they would be pressured to accept the terms of a possible agreement in which they would renounce their fundamental rights.

The Committee further notes that the United Nations Committee on the Elimination of Discrimination against Women expressed concern at the lack of titles to lands and forced removals faced by indigenous peoples, and the adoption of the "time frame" doctrine and its limitation concerning the recognition of lands traditionally occupied by indigenous peoples (CEDAW/C/BRA/CO/8-9, 2024). The Committee on Economic, Social and Cultural Rights, in its concluding observations of 2023, also expressed concern about reports of natural resource grabbing, the large number of unresolved disputes concerning land occupation, as well as the lack of protection and demarcation of the ancestral lands and territories of indigenous and Quilombola peoples (E/C.12/BRA/CO/3, 2023).

The Committee reiterates that, in accordance with *Article 14* of the Convention, the rights of ownership and possession of the indigenous and tribal peoples to the lands which they traditionally occupy must be recognized and are of crucial importance for the safeguarding of their integrity and other rights enshrined in the Convention. In this regard, the Committee emphasized in its 2018 general observation that the recognition of traditional occupation as the source of ownership and possession rights is the cornerstone on which the land rights system established by the Convention is based.

The Committee urges the Government to take all the necessary measures to ensure that the Convention is fully applied in both law and practice with regard to the rights of ownership and possession of indigenous and tribal peoples to all the lands which they traditionally occupy. In this regard, the Committee expects the Government to take all the necessary measures to ensure that Act No. 15.701 of 2023 regulating section 231 of the Federal Constitution is revised in the light of Article 14 of the Convention. In the meantime, the Committee requests the Government to strengthen its efforts to further the processes of titling, demarcation and remediation (saneamiento) of the lands traditionally occupied by the peoples covered by the Convention and to provide detailed information in this regard. The Committee also requests the Government to provide information on the decision of the TSF in relation to the cases challenging the constitutionality of Act No. 15.701 of 2023.

Article 25. Health. The Committee notes with ***regret*** that the Government has not provided information on the observations received in a timely manner from the CUT alleging a high incidence of diseases in indigenous communities compared with the general population; nor on the situation of the Yanomami indigenous community, which has been affected by increased mining activity *(garimpeiros)* on their lands, resulting in further deforestation, sedimentation and mercury contamination of rivers, and an increase in diseases, such as malaria and malnutrition.

The Committee also notes that the Inter-American Commission on Human Rights (IACHR) and the Office of the Special Rapporteur on economic, social, cultural and environmental rights (REDESCA), in a press release in 2023, expressed concern at the serious humanitarian crisis linked to malnutrition and lack of medical care related to preventable diseases that could have been treated among the Yanomami people, particularly affecting children and older persons, which has caused the death of 570 Yanomami children. The Committee further notes that, in its concluding observations of 2024, the United Nations Committee on the Elimination of Discrimination against Women expressed concern: (i) regarding the high maternal mortality rate, disproportionately affecting indigenous women living in rural areas and in the northern and north-eastern regions of the country; and (ii) that traditional and naturopathic

health systems, ancestral knowledge, cosmology and indigenous practices are not recognized or integrated into the federal healthcare system, negatively affecting access to healthcare by indigenous women (CEDAW/C/BRA/CO/8-9, 2024).

The Committee notes this information with concern and urges the Government to take urgent measures to ensure access to adequate health services for the peoples covered by the Convention, in cooperation with these peoples. The Committee requests the Government to provide information in this regard and in particular on the measures taken in relation to the problems of poisoning and malnutrition suffered by members of the Yanomami people which, in addition to posing a public health problem, are also related to the protection of their lands, which are essential for the protection of their physical integrity.

The Committee is raising other matters in a request addressed directly to the Government.

Mexico

Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratification: 1990)

Previous comment

Constitutional reform. The Committee recalls that, in 2019, a process of dialogue and consultation was held with indigenous peoples and the Afro-Mexican people through 54 regional forums and the proposals made were presented to the President of the Republic to serve as a basis for constitutional reform initiatives. The Committee welcomes the promulgation, on 30 September 2024, of the Decree reforming, adding and repealing various provisions of article 2 of the Political Constitution of the United Mexican States, concerning indigenous and Afro-Mexican peoples and communities. The Committee notes with ***interest*** that the reform recognizes indigenous peoples and communities as subjects of public law with legal personality and their own heritage; it also recognizes their right to decide, in conformity with their own legal systems and in accordance with the Constitution, their internal forms of governance and their representatives; and further recognizes that Afro-Mexican peoples and communities have the status of subjects of public law, with legal personality and their own heritage. ***The Committee requests the Government to provide information on the changes in legislation and practice following the constitutional reform.***

Articles 2 and 33 of the Convention. Coordinated and systematic action. The Government indicates in its report that the National Indigenous Peoples Institute (INPI) has been promoting participatory processes with a view to identifying and jointly building alternative solutions to the main problems affecting indigenous peoples, through direct intercultural dialogue between the traditional authorities, the members of communities and senior officials in government entities and institutions. The Government provides information, in particular, on comprehensive justice and development plans (justice plans) developed by individual indigenous peoples, in collaboration with the INPI and other government bodies. The Committee notes with ***interest*** that the justice plans aim to redress historical, specific and demonstrable grievances or injustices committed by the Mexican State against a particular indigenous people and contain binding, compensatory agreements reached between the Government and the traditional authorities. The Government indicates that justice plans are being developed or implemented in: Sonora for the Yaqui, Seri-Comca'ac, Guarijío-Makurawe, Yoreme and Mayo peoples; in Jalisco, Nayarit and Durango for the Wixárika, Náayeri, O'dam/Au'dam and Mexikan peoples; in Chihuahua for the Ralámuli, Ódami, Oichkama and Warijó peoples; in Veracruz for the Chinantecas and Mazatecas del Valle de Uxpanapa communities; and in Chiapas for the communities of the communal property in the Lacandona area. With regard to the National Indigenous Peoples Council (CNPI), which, according to the information available on its web page, is the body for participation, consultation and liaison with indigenous and Afro-Mexican peoples, the CNPI was established on 24 February 2024 with the participation of 181 councillors representing 65 indigenous peoples and the Afro-Mexican people,

19 representatives of the federal entities and representatives of the indigenous and Afro-Mexican peoples committees of the Congress of the Union.

The Committee welcomes the agreements reached between the Government and certain traditional authorities and requests the Government to keep it informed on the implementation of the justice plans with respect to the reparation and restitution of the rights of the peoples concerned and their members. The Committee also requests the Government to provide information on the action taken by the INPI as part of its mandate to define, develop, implement and evaluate policies and programmes for indigenous and Afro-Mexican peoples with a view to the effective implementation of the Convention, developing a coordinated and systematic action with the participation of indigenous and Afro-Mexican peoples, and the results. In this respect, the Committee requests the Government also to provide examples of how, in practice, indigenous and Afro-Mexican peoples participate in the work of the INPI through the CNPI, including the design and monitoring of policies and programmes.

Article 3. Human rights and fundamental freedoms. The Committee notes with ***regret*** that various United Nations bodies and/or mandate holders have on various occasions, including in 2024, raised concerns in relation to acts of violence, including attacks, threats, forced disappearance and murders, as well as the criminalization and intimidation of human rights defenders involved in defending indigenous peoples' rights (including in AL MEX 8/2024; AL MEX 7/2024; AL MEX 1/2024; AL MEX 1/2023 and CERD/C/MEX/CO/22-24, 25 June 2024). The Committee recalls that for indigenous and tribal peoples to be able to assert and enjoy the rights set out in the Convention, Governments must adopt appropriate measures to guarantee a climate free from violence, pressure, fear and threats of any kind. ***The Committee requests the Government to indicate the measures taken to investigate the acts of violence, intimidation and persecution identified by the United Nations bodies, in order to ascertain responsibilities and punish the perpetrators. The Committee recalls that failure to take immediate action in this regard could create a climate of impunity that affects the exercise of the rights of the peoples concerned. Further, the Committee urges the Government to take the necessary measures to ensure adequate protection for the life, physical safety and psychological well-being of the peoples covered by the Convention and their representatives, leaders and defenders.***

Reproductive health. In response to the Committee's previous comments, the Government indicates that as part of the Programme for the Comprehensive Well-Being of Indigenous Peoples (PROBIPI), the INPI promotes the prevention of gender-based violence, with the participation of indigenous and Afro-Mexican women, at various stages of life, encouraging the exercise of their sexual and reproductive rights with an intercultural and gender perspective, as well as an intersectional approach. The Government also refers to traditional indigenous medicine projects for the promotion of community health, which envisage the establishment, rehabilitation, refurbishment and equipping of spaces for the practice and teaching of traditional medicine and midwifery, as well as for the promotion of community health.

Furthermore, the Committee notes with ***interest***: (i) new article 2 of the Constitution, which recognizes the right of indigenous peoples and communities to develop, practice, strengthen and promote traditional medicine, as well as midwifery to provide pregnancy, childbirth and postpartum care, and also recognizes practitioners, including their health practices and knowledge; and (ii) the adoption of the Decree reforming, adding and repealing various provisions of the General Health Act with regard to traditional midwifery (*Official Gazette*, 26 March 2024), according to which the objectives of the national health system include the promotion of respect, knowledge and development of traditional midwifery and the practice of traditional midwifery under decent conditions. It also provides that the health authorities, in the organization and operation of mother and child health services, shall implement measures to ensure that the activity of traditional midwives is respected, protected and guaranteed in conditions of dignity and in accordance with their healing methods and practices, as well as the use of their biocultural resources. Moreover, the Committee notes with ***concern*** that, according to the National Survey of Discrimination (ENADIS) 2022, 20.7 per cent of the indigenous population aged

12 years and above experienced discrimination in health services and 46 per cent of indigenous women aged 12 years and above indicated that they had been denied medical attention or medicine. The Committee also notes that the United Nations Committee for the Elimination of Racial Discrimination, in its concluding observations of 2024, expressed concern at the lack of effective access to intercultural health services that take into account the cultural diversity of the population (CERD/C/MEX/CO/22-24).

The Committee requests the Government to pursue its efforts to ensure that indigenous persons access sexual and reproductive health services on a voluntary basis. The Committee requests the Government to provide information on: (i) the manner in which traditional birth-giving is linked with the national health system and how it is ensured in practice that indigenous and Afro-Mexican peoples and communities have access to sexual and reproductive health services which are of quality and culturally appropriate; and (ii) examples of how the participation of the peoples and communities concerned has been ensured, in practice, in the design and implementation of sexual and reproductive health programmes and other relevant measures, including the Indigenous and Afro-Mexican Women's Forums.

Article 6. Consultation. The Committee notes the Government's indication in relation to the right to consultation that the INPI provided support to the Congress of the Union in the consultation process with indigenous and Afro-Mexican peoples in respect of the General Bill on Consultation of Indigenous and Afro-Mexican Peoples and Communities. With regard to the consultation processes undertaken, the Government indicates that the INPI drafted a document, entitled "Right to Free, Prior and Informed Consultation of the Indigenous Peoples. Bases, Principles and Methodology for its Implementation by the Federal Public Administration", which was used as a basis for the design of the specific protocols of the consultations held, in response to requests from various institutions. In this context, the INPI issued technical and legal opinions on the implementation of consultations with indigenous peoples facing administrative and legislative measures likely to impact the rights of indigenous and Afro-Mexican peoples and communities.

The Committee notes that new article 2 of the Constitution provides for the right of indigenous peoples to be consulted on the adoption of intended legislative or administrative measures when those could significantly affect or impact their life or environment, for the purpose of obtaining their consent, or, as appropriate, reach an agreement on such measures and, also, for the obligation of the Federation, federal entities, municipalities and, as appropriate, the territorial divisions of Mexico City to hold consultations and cooperate in good faith with indigenous peoples and communities, through their representative institutions, before adopting and implementing legislative or administrative measures likely to affect them directly, irrespective of whether or not the impact of such measures would be significant.

The Committee also notes that the United Nations Committee for the Elimination of Racial Discrimination, in its concluding observations of 2024, expressed its concern about reports that the consultation processes conducted to obtain their free, prior and informed consent have failed to comply with minimum international standards, in the sense that they: (a) did not provide adequate, sufficient and timely information on the potential impact that the measures to be adopted or the development and natural resource exploitation projects would have on the rights of Indigenous Peoples; (b) failed to respect the way in which the affected Indigenous communities were organized; and (c) involved the use of pressure and harassment to obtain the consent of the affected Indigenous communities (CERD/C/MEX/CO/22-24).

The Committee encourages the Government to continue its efforts to adopt a normative framework for consultation as soon as possible and trusts that it will be: (i) the result of a consultative process with indigenous and Afro-Mexican peoples; and (ii) designed in accordance with the requirements of the Convention and cover consultations on any legislative or administrative measure that could affect them directly. The Committee also requests the Government to provide examples

illustrating how the indigenous and Afro-Mexican peoples concerned were consulted, through their representative institutions, on the design of the consultation protocols developed by the INPI, as well as examples of consultations supported by the INPI and the outcomes of those consultations. The Committee further requests the Government to continue to provide information on the challenges encountered in carrying out consultation process and the measures taken by the INPI to tackle them.

Articles 7(3) and 15(2). Development activities, studies and consultation. With regard to the consultation processes carried out with indigenous communities under the Hydrocarbons Act and the Electricity Industry Act, the Committee notes the Government's indication that the INPI supported the Secretariat of Energy in the consultation processes conducted under section 119 of the Electricity Industry Act, including the consultations that led to the approval of the following projects: the Cuxtal natural gas pipeline, Phase II: Loop 2 Champotón to Umán; the Cuxtal natural gas pipeline, Phase II: Loop 3 Mérida to Valladolid; the Tuxpan-Tula gas pipeline (consultations with the Nahuas de Puebla communities); and the Puerto Peñasco – Golfo de Santa Clara transmission line and solar power plant (consultations with the Cucapá people of Baja California and the Tohono O'odham people of Sonora). The Government indicates that, as part of the agreements reached with the communities concerned, roads were paved and repaired, agricultural access roads were created, streetlights were repaired, health centres were extended and equipped, drinking water networks were repaired and extended, cultural centres were built and community centres renovated, among other actions. The Committee also notes that the Government refers to several justice plans containing measures to strengthen and guarantee the right of communities to participate in key decisions on the conservation of their lands, territories, waters, environment and natural resources, as a historical claim of these peoples.

The Committee also notes that the Special Rapporteur on the human rights of internally displaced persons observed internal displacement caused by development plans and projects related to mining, logging, hydrocarbon extraction, dam construction and tourism, including the Mayan train project, and the creation of protected natural areas, observing that such displacement affects mostly indigenous peoples (A/HRC/53/35/Add.2, 27 June 2023). Furthermore, the United Nations Committee on the Elimination of Racial Discrimination expressed concern that that some investment and natural resource exploitation projects, such as the Mayan train project, are continuing despite the concerns and opposition expressed by the affected indigenous communities. In some cases, investment projects have continued despite court rulings ordering the companies to leave the land, repair the environmental damage and provide compensation to the affected communities (CERD/C/MEX/CO/22-24).

The Committee requests the Government to indicate how the indigenous and Afro-Mexican peoples and communities concerned have participated in the benefits of the projects under consultation in accordance with section 119 of the Electricity Industry Act on which the Government has provided information, and whether they have received compensation for any damages sustained as a result of those projects. The Committee once again requests the Government to provide information on the consultation processes carried out with indigenous communities under the Hydrocarbons Act, and to indicate the means and resources available to the authorities in charge of the consultation processes to ensure that they are properly conducted and agreements are reached. The Committee also requests the Government to provide information on the consultations held with indigenous communities on the natural resources that fall outside the scope of the Electricity Industry Act and the Hydrocarbons Act. It further requests the Government to indicate the results obtained through the justice plans with respect to the participation of the communities concerned in the decisions made regarding the conservation of their lands, territories, waters, environment and natural resources.

Articles 14 and 18. Land. Land disputes. Intrusions. Regarding the measures adopted to safeguard the rights of indigenous peoples to their lands, the Government indicates that the justice plans also cover the subject "lands and territories" and promote action with institutions in the agricultural sector to provide legal certainty for peoples through the regularization of land, in the absence of the relevant

land titles. The justice plans provide for the settlement of disputes over the use or occupation of territories by external bodies through meeting with and engaging in dialogue with the parties, applying the law and ensuring support during the process by institutions such as the Office of the Agrarian Prosecutor, the National Agrarian Registry, agrarian tribunals and their counterparts in state entities, together with security institutions for the protection of territorial integrity, particularly when the rightful owners take back their territory. For example, the Government indicates that, under the Justice Plan of the Yaqui People, among others, favourable rulings were obtained for the reversion of several hectares of land. Furthermore, the purchase of additional hectares of land from seven smallholders was finalized in order to restore them to the Yaqui people. The Government also indicates that the INPI supported processes for the demarcation and alienation of lands considered as national lands, for collective allocation to indigenous communities (Rancho El Arbolito, Igualapa, Guerrero, and Flor de Café, Jitotol, Chiapas, in 2022). Measures were also adopted in favour of the Wixárika, Náayeri, O'dam/Au'dam and Mexican indigenous peoples to recognize, preserve and safeguard their places, sacred sites and pilgrimage routes, and to ensure that their territories cannot be the subject of new concessions and permits related to mining or other industries that may affect or damage them. The Committee also notes the information provided by the Government on the difficulties encountered in settling the land dispute affecting the San Andrés de Cohamiata community, including the delay in agrarian trials and the division of localities and their community members.

The Committee also notes that the United Nations Committee on the Elimination of Racial Discrimination expressed concern that the rights of indigenous peoples to the lands, territories and resources traditionally occupied by them have not yet been fully recognized and protected, and about the persistence of long-running land conflicts that affect indigenous peoples and lead to acts of violence against them (CERD/C/MEX/CO/22-24).

While it welcomes the initiatives undertaken by the INPI, including the actions that fall within the framework of the justice plans, the Committee requests the Government to:

- ***continue its efforts to ensure the rights of indigenous peoples to the lands that they traditionally occupy and to which they have traditionally had access for their traditional and subsistence activities, and to provide specific information on the lands that have been identified, registered and regularized, and on the dispute settlements reached with the communities concerned through the justice plans;***
- ***continue to provide information on any developments regarding the dispute affecting the San Andrés de Cohamiata community, and expresses the hope that all stakeholders concerned will make sincere efforts to reach a settlement;***
- ***provide information on the situation of the Choréachi indigenous community in the state of Chihuahua and the Cucapá community in the state of Baja California.***

The Committee is raising other matters in a request addressed directly to the Government.

Nepal

Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratification: 2007)

Previous comment

Articles 3–4 of the Convention. Human rights and fundamental freedoms. Special measures. The Committee notes that the United Nations Committee on the Elimination of Racial Discrimination expressed concerns about the reports of severe harassment of indigenous leaders, including members of the Tharu people, by State agents (CERD/C/NPL/CO/17-23, May 2018). The Committee also notes that concerns about threats and retaliations against indigenous peoples and their defenders protesting against projects affecting their rights have been raised on various occasions by United Nations mandate holders (See, for example, JAL NPL 2/2023; JAL NPL 2/2022; NPL 1/2021). The Committee emphasizes the

need to guarantee that indigenous peoples can fully exercise, in freedom and security, the rights established by the Convention and to ensure that no force or coercion is used in violation of their human rights and fundamental freedoms. ***The Committee requests the Government to provide information on the measures taken to guarantee a climate free of any kind of violence for indigenous peoples and their defenders, including information on the steps taken to prevent, investigate and punish the excessive use of force by public law enforcement bodies against indigenous persons in the context of protests in defense of their rights. Please also provide examples of legal proceedings taken by indigenous peoples, individually or through their representative bodies, to protect their rights, as well as information on any obstacles encountered and special measures therefore adopted to address those obstacles.***

Article 6. Consultation on legislative and administrative measures. Following its previous comments on the progress made in the development of procedures for the consultation of indigenous peoples on legislative or administrative measures that may affect them directly, the Committee noted that the Constitution of Nepal provides that special arrangements have to be made to ensure the participation of indigenous nationalities *(Adivasi Janajati)* in decision-making concerning them (art. 51 (j)). The Committee also noted that the Ministry of Federal Affairs and Local Development had begun to systematize consultation procedures with the *Adivasi Janajati.* The Government has also indicated that the representation in the National Assembly, Provincial and villages assemblies is based on the principle of inclusion and that the Government consults with the National Foundation for Development of Indigenous Nationalities (NFDIN) when formulating and implementing policies, plans and programmes to reflect the issues and concerns of indigenous communities. The Committee recalls that the Convention enshrines the right of indigenous peoples to be consulted as a tool for ensuring the full participation of indigenous peoples in decisions that affect them. *Article 6* of the Convention provides for the obligation to establish appropriate mechanisms for consultation with the indigenous peoples whenever consideration is being given to legislative or administrative measures which may affect them directly; and particularly before undertaking or permitting any programmes for the exploration or exploitation of existing resources pertaining to their lands. ***The Committee therefore requests the Government to indicate the specific procedures established to consult with indigenous peoples on legislative or administrative measures that may affect them directly, including information on the measures taken to ensure that they are consulted and can participate in an appropriate manner, through their representative institutions, in the design of such consultation procedures. The Committee also requests the Government to provide concrete examples of consultation processes with indigenous peoples and on their functioning that can allow the Committee to assess the status of implementation of Article 6 of the Convention.***

Articles 13–14. Land rights recognized and protected. Previously, the Committee noted the adoption of the 2012 Land Use Policy and the findings of the Scientific Land Reform Commission, which revealed that the rates of land ownership by the *Adivasi Janajati* are low. The Government indicated that it was making efforts to implement the recommendations arising out of the report on land reform elaborated by the Commission and that it was updating inventories of the lands, landowners and tenants.

The Committee notes that the United Nations Special Rapporteur on extreme poverty and human rights, in his report on the visit to Nepal in 2022, highlighted that inequalities in access to land remain important. Moreover, the Special Rapporteur noted that the lack of practical protections for land users, despite the guarantees of the 1964 Lands Act, particularly affects indigenous people, with most national parks and other “protected areas” having been established on the ancestral lands of indigenous peoples, many of whom were evicted and have since remained landless. By some estimates, as of 2015, about 65 per cent of ancestral lands formerly owned by indigenous peoples had been replaced with national parks and reserves, forcing many *Adivasi Janajati* to relocate elsewhere (A/HRC/50/38/Add.2, May 2022).

The Committee urges the Government to take the necessary measures to recognize and protect the rights of Adivasi Janajati over the lands that they traditionally occupy or use, in accordance with Articles 13 and 14 of the Convention, and to provide information in this regard. In this connection, the Committee requests the Government to provide information on: (i) the progress made in the identification of lands traditionally occupied by the Adivasi Janajati; (ii) land entitlement and registration processes, including indications on the surface area covered by land title and the beneficiary communities; and (iii) whether procedures exist to resolve land claims by the Adivasi Janajati, together with examples illustrating their use.

The Committee is raising other matters in a request directly addressed to the Government.

Nicaragua

Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratification: 2010)

Previous comment: observation

Previous comment: direct request

Articles 2 and 33 of the Convention. Coordinated and systematic action. The Committee notes Executive Decree No. 71-98 of 2021 issuing regulations under the Act on the organization, competence and procedures of the executive authorities, which sets out the areas of competence of the Secretariat for the Development of the Caribbean Coast in relation to the indigenous communities in the region. These include: (i) promoting communication between the Government, the regional authorities and the leaders of indigenous communities; (ii) leading the coherent operation of Government action in respect of the autonomous regions; (iii) strengthening regional indigenous institutions; and (iv) coordinating consultation processes with the population of the Caribbean Coast.

The Committee also notes the adoption of the Caribbean Coast and Alto Wangki Bocay Development Plan 2019–29, published on the website of the Ministry of the Environment and Natural Resources (MANERA). The Development Plan was formulated in collaboration with the regional governments of the Caribbean Coast and the local indigenous governments of Alto Wangki and Bocay. The Development Plan has four focus areas: socio-cultural development; local economic development with a focus on climate change; productive and economic transformation; and the strengthening of autonomous institutions. The Committee also notes the information provided in the Government's report on the adoption of the National Plan to Combat Poverty 2022–26, which provides for the strengthening of the governance of communal property systems on the Caribbean Coast through the formulation of local development plans in the 23 indigenous and Afrodescendent territories which were previously demarcated and titled by the Government. The plans have to be in conformity with a green economy model, institutions for the protection of territories, the protection of cultural property and the promotion of the family, rural and urban economy.

The Committee also notes that both the United Nations Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, in their respective concluding observations of 2021 and 2023, expressed concern at the allegations that the indigenous authorities elected in community assemblies are not recognized by the Government, and that parallel governments have been set up to replace legitimately constituted communal authorities, which is prejudicing political participation and consultation procedures and facilitating the usurpation of indigenous territories (E/C.12/NIC/CO/5 and CERD/C/NIC/CO/15-21). The Committee also notes that, in its concluding observations of 2022, the United Nations Human Rights Committee referred to the obstacles faced by indigenous and Afrodescendent communities, and particularly women, to participate in decision-making bodies and State institutions, especially in communal governments and indigenous territorial governments (CCPR/C/NIC/CO/4).

The Committee notes this information with ***concern***. It notes with ***regret*** the absence of information from the Government on the operation of the participatory mechanisms for the various indigenous peoples in the country in the formulation of policies and programmes that affect them, both within the framework of the autonomous regime of the Caribbean Coast and outside the autonomous regional context.

The Committee requests the Government to indicate the manner in which it ensures coordinated and systematic action, with the participation of indigenous peoples through their representative institutions, in the policies and programmes that affect them (at the national, regional and community levels). It also requests the Government to provide information on the measures adopted in the various areas covered by the Caribbean Coast and Alto Wangki Bocay Development Plan 2019–29, and on the action intended for indigenous peoples implemented within the framework of the National Plan to Combat Poverty 2022–26, and to indicate the manner in which it ensures that these measures are taken in cooperation with the peoples covered by the Convention (in both the Caribbean and Pacific regions).

Article 3. Human rights. Climate of violence on the North Caribbean Coast. In its previous comments, the Committee noted the existence of a climate of violence on the North Caribbean Coast as a result of disputes related to land occupation and it requested the Government to take measures to investigate and punish such acts of violence and ensure the safety of the indigenous peoples. The Committee ***deplores*** the fact that the Government has not provided information on this subject taking into account the gravity of the situations that have occurred.

The Committee also notes that, according to the report of the United Nations High Commissioner for Human Rights of 11 February 2021, between October 2019 and January 2020, the national police registered 20 murders, two disappearances and two persons injured in connection with property disputes in the North Caribbean Coast Autonomous Region. It also referred to the killing of ten indigenous men and seven injured persons in incidents allegedly related to land disputes in the same region. In this regard, the Government indicated that investigations had been carried out into these incidents and that the Supreme Court of Justice has established an inter-institutional commission to prosecute all the cases involving violations of the rights of indigenous peoples (A/HRC/46/21).

The Committee further notes that the Inter-American Commission on Human Rights, in its Annual Report for 2023, reiterated its concern at the increase in violence against indigenous peoples and Afrodescendent communities, and at the continued attacks, criminalization and harassment of indigenous communities on the Caribbean Coast of Nicaragua and at their displacement as a result. The Committee also notes that the Inter-American Court of Human Rights, in its ruling of 27 June 2023, extended the provisional measures ordered in 2016 to eradicate the climate of violence afflicting the North Caribbean Coast as a result of disputes over land ownership and requested the Government to take the necessary measures to protect the right to life and personal safety of the members of the Mayanga indigenous people who live in the Wilú community, who had been displaced in response to acts of violence by third parties and representatives of the State. The Committee further notes that, in its concluding observations of 2024, the United Nations Committee on the Elimination of Discrimination against Women noted with concern reports of physical, psychological and sexual violence against indigenous women, particularly in the Bosowás reservation and the Mayangna Sauni indigenous territory (CEDAW/C/NIC/CO/7-10).

The Committee notes with ***deep concern*** the above information, which demonstrates the persistence of a climate of violence and attacks on the life and physical integrity of indigenous communities in the North Caribbean Coast Autonomous Region, which is related to land claims and processes for the clarification of land ownership by those communities. In this regard, the Committee recalls that a climate of violence as described above constitutes a serious obstacle to the exercise of the rights of indigenous peoples set out in the Convention and emphasizes that the absence of prosecutions and convictions of the perpetrators of acts of violence results in an unacceptable climate of impunity

which affects the exercise of the rights of indigenous peoples. ***The Committee strongly urges the Government to take all the necessary measures to ensure a climate free from violence in which adequate protection can be ensured of the physical and psychological integrity of the peoples covered by the Convention. In this respect, it requests the Government to take the necessary measures as a matter of urgency to: (i) investigate all acts of violence committed in the areas inhabited by indigenous peoples on the North Caribbean Coast, clarify responsibilities and prosecute those who are guilty, including within the context of the work of interinstitutional commission established by the Supreme Court of Justice; (ii) protect the life and physical and psychological integrity of the indigenous peoples of the North Caribbean Coast, and particularly indigenous women; and (iii) initiate coordinated action to identify the underlying causes of the disputes which have led to the violence and take action in this regard.***

Article 6. Consultations. The Committee notes that the Government has not provided information on the operation of the prior consultation mechanisms on legislative or administrative measures which may affect indigenous peoples directly. The Committee notes that both the United Nations Committee on the Elimination of Discrimination, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee have expressed concern at the absence of effective mechanisms to guarantee that indigenous peoples are consulted on decisions that may affect their rights, particularly to their traditional lands, and at the allegations received concerning situations in which prior consultation has not been implemented fully, or at consultations held with persons who are not authorized to represent the indigenous peoples concerned (E/C.12/NIC/CO/5, CCPR/C/NIC/CO/4 and CERD/C/NIC/CO/15-21). ***The Committee once again requests the Government to provide detailed information on the measures adopted to carry out consultation processes with the peoples covered by the Convention on any legislative or administrative measures that may affect them directly. It also requests the Government to specify the current legislation governing prior consultation, with an indication of the institution responsible for coordinating and monitoring such processes.***

Article 14. Demarcation and land titling processes. The Committee recalls that the demarcation and land titling processes for the lands of indigenous peoples in the autonomous regions of the Caribbean Coast are governed by Act No. 445 of 2002 (the Act on the communal ownership system for the indigenous peoples and ethnic communities of the autonomous regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio and Maiz rivers) and that there is no specific legislation governing the communal property of the indigenous peoples of the Pacific, Centre and North of the country.

In response to the Committee's request for information on the progress made in the demarcation and land titling processes for indigenous lands, the Government indicates that 125,277 property titles have been issued benefiting a total of 134,491 persons through the Land Administration Project (PRODEP III) and that a topographical survey has been carried out with a view to updating the land register for the lands of the indigenous communities of the Departments of Madríz, Nueva Segovia and Jinotega, namely: 13,452 plots in the municipality of Telpaneca; 4,851 plots in the municipality of San José de Cusmapa; 3,087 plots in the municipality of Sabanas; 5,240 plots in the municipality of Mozonte; and 3,504 plots in the municipality of María de Pantasma. The Committee also notes that, according to the information provided by the Government, in coordination with the National Land Demarcation and Titling Commission (CONADETI), land titles have been delivered in two additional areas, in the territory of Mayangna Sauni Bu and Miskitu Indian Tasbaika Kim.

The Committee further notes that, according to the information of the CONADETI, during the period 2005 to 2022, in the North Caribbean Coast Autonomous Region (RACCN) and the South Caribbean Coast Autonomous Region (RACCS), a total of 23 communal land titles and three additional areas were delivered and approved covering a total of 3,881,598.9 hectares (representing 29.7 per cent of the national territory), which have been entered into the Public Land Register. This benefited 313 indigenous and Afrodescendent communities and 284,161 persons. The Committee further notes the

Government's indication that cases in which the real rights are discussed in a territory occupied by indigenous communities are brought to the knowledge of the competent judicial authority, which in turn informs the respective territorial authority so that the communities concerned can intervene in the process.

The Committee further notes that the United Nations Committee on the Elimination of Racial Discrimination, in its 2023 concluding observations, expressed concern at the allegations of the absence of the clarification of title to indigenous lands, which has led to illegal invasions by settlers and non-indigenous persons and to disputes and violence over access to land and natural resources (CERD/C/NIC/CO/15-21).

The Committee requests the Government to continue making efforts to achieve progress in the processes of land titling, demarcation and clarification of title to the lands traditionally occupied by the peoples covered by the Convention and to continue providing detailed information on this subject. It also requests the Government to provide examples of cases of land disputes between indigenous or tribal peoples and third parties that have been resolved by the judicial authorities, and information on current legal procedures.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2025.]

Norway

Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratification: 1990)

Previous comment

The Committee recalls that, pursuant to the wishes expressed by the Government upon ratification of the Convention, the Sami Parliament *(Sámediggi)*, as the representative body of the indigenous Sami population of Norway, plays a direct role in the dialogue associated with the supervision of the application of the Convention. In this respect, the Committee notes the Government's report as well as the 2023 report of the Sami Parliament on the application of the Convention. It also notes the additional information sent by the Sami Parliament received on 30 August 2024, as well as the Government's reply to that information.

The Committee welcomes the adoption of an amendment to the Constitution of Norway that recognizes the Sami people as the indigenous peoples of Norway, which, according to the Sami Parliament report, was the result of consultations between the Sami Parliament and the Government. It also notes with ***interest*** the adoption of legislative measures aimed at ensuring that consideration of the Sami culture is taken in the context of children welfare service and educational programmes. Furthermore, the Committee takes due note of the adoption in 2021 of Act on amendments to the Sami Act etc. (consultations), the purpose of which is to create the right conditions for the Sami people in Norway to secure and develop their language, culture, and social life. According to section 1.1. of the Act, the provisions of the Act shall apply with the limitations set out in the Convention, and in accordance with the rules of international law on indigenous peoples.

Article 3 of the Convention. Human Rights. Reconciliation process. The Committee notes with ***interest*** the establishment in 2018 of a Truth and Reconciliation Commission, which was tasked with conducting an historic mapping of the Norwegian policies and activities related to the Sami people and examining their repercussions, as well as with proposing measures to contribute to further reconciliation between the Sami people and the Government. According to the Commission's report, published in 2023, the areas affected by the Government's "Norwegianisation policy" (which was endorsed towards the end of the 1800s until the mid-1980s) included language, education, and access to the land. The Commission found out that as a result of the implementation of that policy the use of the Sami languages was discouraged, the cultural specificities of the Sami culture were not considered in the national education

model, and access to the land was limited to the non-Sami population. Moreover, the Commission concluded that the Sami people continue to experience discrimination. The Commission proposes various initiatives to contribute towards continued reconciliation, such as disseminating knowledge about the consequences of the Norwegianisation policy on the Sami people among the national population, promoting the use of the Sami language and cultural expertise, and adopting conflict resolution mechanisms to settle disputes involving the Sami people. The Committee notes that in its report the Sami Parliament indicates that it hopes that the reconciliation process would lead to greater knowledge and tolerance for each other's histories and different points of view.

The Committee encourages the Government to continue taking measures to strengthen reconciliation between the Government and the Sami people, including by tackling the root causes of discrimination against the Sami people, and building long-term solutions for the negative repercussions that previous policies had on the exercise of their rights. The Committee requests the Government to continue providing information on the follow-up given to the recommendations of the Truth and Reconciliation Commission, and the involvement of the Sami people in this respect.

Article 6. Consultations with the Sami Parliament. The Committee recalls that consultations are regulated by the 2005 Procedures for consultations between State Authorities and The Sami Parliament. In this regard, the Committee noted that the Sami Parliament referred to the late involvement of the Sami Parliament in consultations, as well as to the exclusion of budgetary measures from consultations. In response, the Government indicated its intention to resolve these issues through dialogue with the Sami Parliament.

The Committee notes the Government's indication that consultations strengthen the Sami Parliament as the representative voice of the Sami people and increase knowledge of Sami issues among government authorities. The Government emphasizes that consultations are undertaken in good faith and with the objective of achieving agreement, but that this does not mean that there is agreement between Sami Parliament and the authorities on all matters. Consultations, nevertheless, ensure that the decision-makers are familiar with the situation of the Sami people before making decisions. In relation to the exclusion of budgetary measures from the scope of consultations, the Government indicates that state budgetary measures do not fall within the scope of the Convention, but that every year the Government is in dialogue with the Sami Parliament on the budget and receives an assessment of the budgetary needs of the Sami community.

The Committee notes that the Sami Parliament acknowledges that consultations between the Sami Parliament and the State authorities are generally good. It indicates that consultations concerning reindeer husbandry have improved because the Sami Parliament has been brought into decision-making processes at an earlier point in time. However, it points out that it has not been consulted on decisions made by the Ministry of Local Government and Modernisation concerning plans for land use, but that in 2023 the Ministry of Local Government admitted that the Sami Parliament should be consulted on such matters.

The Committee notes that new statutory provisions on consultation came into force in July 2021, which were incorporated into the Act relating to amendments to the Sami Act. According to the Government, these provisions are a continuation of the 2005 Procedures for consultations. Section 4.2 of the Act recognizes the right of the Sami Parliament and other representatives of affected Sami to be consulted regarding legislation, regulations and other decisions or measures that could affect Sami interests directly. The obligation to undertake consultation lies with the Government, State enterprises as well as private legal entities exercising authority on behalf of the State (section 4.3). Pursuant to section 4.6 of the Act, consultations shall begin so early that the parties have a real opportunity to reach agreement on the decision and shall continue so long as the parties believe that an agreement on the matter can be reached. The Act excludes from the scope of consultations matters of general nature

which may be assumed to affect society as a whole in the same way, as well as matters relating to the national budget (section 4.1).

Considering the well-established practice in undertaking processes of consultations with the Sami Parliament, the Committee encourages the Government to continue to foster an environment that enables the Sami people and the Government to reach agreements on the measures consulted. In this regard, the Committee requests the Government to provide examples of consultations undertaken with the Sami parliament, including with respect to the use of the Sami traditionally occupied lands and reindeer husbandry issues, and to indicate the cases where agreement has not been reached.

Article 14. Land rights. The Committee recalls that the Act relating to legal relations and management of land and natural resources in Finnmark (so-called Finnmark Act), aims to benefit all the residents, which include a large Sami population. The Finnmark Act establishes the Finnmark Estate as an independent legal entity in charge of the administration of the lands in that county. It also creates the Finnmark Commission as the body in charge of investigating the rights of ownership and use of the land and water in Finnmark, and the Uncultivated Land Tribunal for Finnmark which is tasked with considering disputes concerning land rights.

In reply to the Committee's request for information on the recognition of land rights of indigenous peoples in Finnmark, the Government indicates that the Finnmark Commission has completed the mapping of rights in field 1 Stjernoya/Seiland, field 2 Nesseby, field 3 Soroya, field 4 Karasjok, field 5 Varangerhalvoya east and field 6 Varangerhalvoya west. Mapping work is ongoing in field 7 Tana and Tanafjorden, field 8 Kautokeino, field 9 Porsanger and field 10 Nordkyn/Svaerholtalvoya. The Government adds that, following the report of the Finnmark Commission in field 4 Karaskoj, questions about land rights were brought before the Uncultivated Land Tribunal. The tribunal issued a decision in April 2023 recognizing that most of the land in Karasjok Municipality is collectively owned by the local population of Karasjok (including the Sami population). The Committee observes that, in its judgement, the tribunal affirmed that, in light of the Convention No. 169, land rights are essential for the continued existence of indigenous peoples and acknowledged that the land rights of others (non-Sami) that are built up and maintained in community must also be protected. The judgement was reviewed in May 2024 by the Supreme Court of Norway, which ruled that the local population is not the collective owner of the land in Karasjok. In its judgment, the Supreme Court concluded that the population's use of the land has taken place in individual villages and reindeer herding *siidas* and that the local Sami custom does not justify that the population collectively has acquired property rights to the entire disputed area. On this point, the Government emphasizes that, even though the Supreme Court decided that no collective ownership over the entire land could be established, it has not given a final ruling on the allocation of ownership rights on the lands in Karasjok as it referred the case back to the Land Tribunal for further proceedings. In the Government's view it is premature to infer that the ownership over the uncultivated lands in Karasjok has been decided by the courts.

The Committee requests the Government to continue taking measures to ensure that the rights of collective ownership of the Sami people over their traditionally occupied lands are formally recognized. In this regard, it requests the Government to continue providing information on the progress made towards the process for titling the lands traditionally occupied by Sami population in Finnmark, including information on the surveys conducted by the Finnmark Commission as well as on the decisions taken by the Uncultivated Land Tribunal in relation to any dispute brought before it in this regard. It also requests the Government to provide information on the implications of the ruling of the Supreme Court in the Karasjok case in terms of recognition of land rights of the Sami population in that municipality. Lastly, the Committee requests the Government to provide information on lands that have been recognized as property of the Sami people outside Finnmark.

The Committee is raising other matters in a request addressed directly to the Government.

Peru

Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratification: 1994)

Previous comment

The Committee notes the observations sent by the National Confederation of Private Business' Institutions (CONFIEP), received on 29 August 2024. It also notes the observations of the International Organisation of Employers (IOE), received on 31 August 2024, indicating that it is hoped that progress will be made in the application of the Convention in line with the conclusions of the Committee on the Application of Standards (CAS) and in close consultation with the most representative employers' organization of Peru. The Committee also notes the joint observations sent by the General Confederation of Workers of Peru (CGTP), the Single Confederation of Workers of Peru (CUT-Perú) and the Autonomous Workers' Confederation of Peru (CATP) – which include information provided by the National Organization of Indigenous Women of the Peruvian Andes and Amazon Region – received on 31 August 2024; the additional observations sent by the CATP, received on 1 September 2024; and the observations of the International Trade Union Confederation (ITUC), received on 17 September 2024.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 112th Session, June 2024)

The Committee notes the discussion which took place in the Conference Committee on the Application of Standards (Conference Committee) in June 2024 on the application of the Convention, and also the conclusions adopted in this regard.

Article 3 of the Convention. Human rights and fundamental rights. 1. *Judicial proceedings with respect to the murders of indigenous leaders in Alto Tamaya–Saweto.* With regard to the murders of four indigenous leaders of the Asháninka indigenous community in Alto Tamaya-Saweto (department of Ucayali) which occurred in September 2014, the Committee notes that the Conference Committee asked the Government to ensure that the perpetrators and instigators of the murders are prosecuted and punished as a matter of utmost urgency. The Conference Committee also asked the Government to take all necessary measures without delay to protect the lives, physical safety and psychological well-being of the members of the families of the murdered indigenous leaders.

The Committee notes the Government's indication in its report that on 11 April 2024 the Collegiate Criminal Court within the High Court of Ucayali sentenced four individuals accused of the murders of the four indigenous leaders to 28 years and 3 months' imprisonment. However, the Government indicates that the accused appealed against this ruling, and at present the court judgment on the appeal is pending.

In this regard, the Committee notes the CATP's indication in its observations that one of the accused has still not been convicted and that the individuals convicted in the ruling of April 2024 are still at liberty. The CATP also indicates that only one of the widows and one of the orphaned children of the murdered leaders have received financial assistance from the Government. The ITUC points out that the threats against the families of the murder victims have not stopped and that the chief spokesperson for the families was the victim of reprisals in Pucallpa.

The Committee also notes the Government's adoption of the "Saweto Action Plan" in June 2024. The main objective of the Plan is to address the social issues related to the basic needs of the inhabitants of the native community of Saweto on the basis of better coordination between the various levels of Government. The actions set out in the Plan include: (i) ensuring a police presence to create a climate of security in the community; (ii) providing ongoing legal aid for the members of the murder victims' families for the duration of the appeal court proceedings; (iii) facilitating the provision of financial assistance for the orphaned children of the murdered rights defenders; (iv) establishing ongoing channels of communication between the "Intersectoral mechanism for the protection of human rights

defenders" and the indigenous community of Saweto with regard to reporting situations of risk; and (v) improving the infrastructure of the community and its education system. The Committee observes that the CATP, CGTP and CUT-Perú all indicate that the Saweto Action Plan lacks inter-institutional coordination and does not set goals with objective and measurable outcomes.

While noting the Government's efforts to tackle the situation of insecurity and poverty of the members of the families of the murdered indigenous leaders of Saweto, the Committee once again ***deeply deplores*** that the suspected perpetrators of the murders are still at liberty, ten years after the murders were committed, despite having been convicted by the court of first instance, and that the threats against the families are continuing.

The Committee underlines the fact that justice delayed amounts to justice denied and that this creates a climate of impunity which affects the full exercise of the rights of indigenous peoples. ***The Committee therefore strongly urges the Government to intensify its efforts to ensure that all the perpetrators of the murders of the four leaders of the Alto Tamaya-Saweto community in 2014 are finally convicted under a definitive ruling and are punished. The Committee also requests the Government to take steps without delay to protect the physical safety and psychological well-being of the members of the victims' families who are receiving threats. The Committee also trusts that the necessary steps will be taken to ensure the implementation of the actions set out in the Saweto Action Plan and requests the Government to provide information on the results achieved.***

2. *Protection of indigenous human rights defenders.* The Committee notes that the Conference Committee asked the Government to take effective measures without delay to prevent violence against indigenous rights defenders, and to provide information on investigations into the complaints concerning illegal logging in the department of Ucayali.

In this regard, the Committee notes that the Government provides information on multiple in situ procedures carried out by the prosecution service in various departments of the country to gather evidence with respect to the allegations of violence and intimidation against members of indigenous communities. In the context of these procedures, in 2024 the prosecution service visited, among others, the Tres Islas, Masenawa, Palma Real and "23 de septiembre" native communities of the Asháninka indigenous people in the department of Madre de Dios to investigate cases of threats and attempted murder targeting indigenous leaders in the face of illegal mining and the illicit cultivation of coca leaves. Moreover, the police conducted preventive operations to address threats against indigenous leaders belonging to native communities in the central rainforest region. The Committee also notes the Government's indication that between 2023 and the first four months of 2024 more than 1,200 operations were conducted against illegal mining. As a result, 1,336 mining camps and six processing plants were destroyed. In this connection, a working group was set up comprising 15 state institutions for the purpose of updating the national strategy to prohibit illegal mining.

The Government also states that a project has been established to reinforce the intersectoral mechanism for the protection of human rights defenders. The goal of the project is to: (i) improve the effective protection of human rights defenders; (ii) reinforce prevention and protection, through an early warning information system and analysis of risk situations; (iii) institutionalize regional committees of the intersectoral mechanism; and (iv) boost the handling of prevention and protection cases by incorporating a gender dimension. Capacity-building for indigenous organizations is also planned to enable them to manage, prevent or reduce the negative impact of the risks that they are facing directly. The Committee also notes that, with regard to the murder of the indigenous leader Quinto Inuma Alvarado, the judiciary ordered pretrial custody for four of the murder suspects, including one suspected instigator.

Furthermore, the Committee notes the information provided by the ITUC relating to the murder in Peruvian Amazon region in April 2024 of the park ranger Victorio Dariquebe, a member of the Harakbut people, who reportedly received threats because of his actions in defence of his community

from mafias associated with illegal logging. At the time of the murder, his son was pursued, beaten and tortured by the assailants. The Government indicates that, in response to this murder, the National Police of Peru established six mixed temporary bases with 50 officers and police bases with 60 officers in the Madre de Dios region. The Committee notes that the CGTP, CUT-Perú and CATP, in their joint observations, report the murder in 2024 of the Kakataibo indigenous leader Mariano Isacama, who reportedly took part in the defence of the territories of his community against the illegal exploitation of natural resources.

The CATP also indicates that the protocol on prosecution action to prevent and investigate crimes against human rights defenders is non-functional because of a lack of resources, that it does not have the necessary lines of action for the implementation of protection measures based on coordination among the component entities, and that it does not provide for measures to care for the dependants of threatened rights defenders.

The Committee recognizes the efforts made by the Government to increase the presence of the prosecution service in indigenous communities in departments in the centre of the country and the Amazon region, and to strengthen measures for the protection of indigenous defenders who confront illicit activities such as illegal logging and illegal mining. However, the Committee notes with ***deep concern*** the persistence of the climate of violence, including murders of indigenous defenders and threats against them and their family members for confronting these illicit activities on their lands. The Committee considers that as long as the illegal exploitation of natural resources within their territories continues, the indigenous peoples and their defenders will remain in constant danger of suffering serious acts of violence and intimidation, which in some cases culminate in murder. ***The Committee strongly urges the Government to continue strengthening the institutions responsible for combating this phenomenon. The Committee also strongly urges the Government to continue taking all the urgent measures that are necessary to protect the physical safety and psychological well-being of indigenous rights defenders who confront illicit activities and also of their families, including through the intersectoral mechanism for the protection of human rights defenders. In this regard, the Committee requests the Government to provide information on progress made regarding the institutionalization of regional committees for the protection of human rights defenders belonging to indigenous communities, coordination of the different entities involved in the mechanism, reinforcement of early warning systems, and capacity-building for indigenous organizations to enable them to manage, prevent or reduce the impact of the risks that they face because of reporting illegal activities. The Committee also requests the Government to provide information on the resources made available for conducting investigations into the recent murders of indigenous defenders that occurred in 2024 and for prosecuting the perpetrators.***

Articles 6 and 15(2). Consultations in the mining sector. The Committee notes that the Conference Committee, in its conclusions, asked the Government to take the necessary steps to identify and address difficulties in the implementation of procedures for the consultation of indigenous peoples, including in relation to the mining sector. In this regard, the Committee notes the Government's indication that the standing multisectoral committee on implementation of the right to prior consultation (a forum comprising 26 representatives of the State, from the national, local and regional levels, plus seven indigenous organizations) is devising an instrument for evaluating the quality of consultation agreements.

As regards the implementation of consultation processes in the mining sector and the identification of subjects requiring consultation, the Government indicates that the Ministry of Energy and Mining has a multidisciplinary team for identifying indigenous peoples who may be affected and hence should be consulted. This identification process entails the holding of interviews, setting up of focal groups, visits to the community and a bibliographic review. With the information compiled, an initial report is drawn up on the presence of indigenous or native peoples, setting out the four identification criteria: historical continuity; territorial links; distinctive institutions; and self-identification.

If there are indigenous peoples in the geographical area covered by the administrative measures who self-identify, an impact assessment is carried out. The Government also indicates that up to June 2024 a total of 90 prior consultation processes had been carried out for projects relating to infrastructure, electricity generation, protected natural areas, mining, oil and gas extraction, and cultural heritage.

CONFIEP indicates in its observations that although the Government has methodological guides for identifying subjects requiring consultation, there is less clarity about the process for identifying the impact on collective rights. CONFIEP also observes that within the team responsible for devising instruments to measure compliance with agreements, the Ministry of Energy and Mining is not considered, despite being the entity which conducts the most consultation processes. The CGTP, CUT-Perú and CATP, for their part, maintain that in order to improve the consultation process there is a need to address aspects such as good faith, limitations on representativeness, quality of information, accessibility, transparency and cultural adaptation.

The Committee encourages the Government to continue taking the necessary steps to make further improvements to the functioning of prior consultation processes, in coordination with all the government entities involved, and in particular with regard to quality of information, impact assessment methods, and adaptation of consultation mechanisms to the cultural reality of indigenous communities. The Committee also requests the Government to continue providing information on any evaluation made of the current consultation process, including in the context of the standing multisectoral committee on implementation of the right to prior consultation.

Article 14. Lands. With regard to measures for the identification, demarcation and titling of the lands occupied by the peoples covered by the Convention, the Committee notes the Government's indication that, within the standing multisectoral committee responsible for proposing, following up and monitoring the implementation of strategic measures and actions for the comprehensive development of indigenous and native peoples, work is being done on a proposal for regulations to establish an administrative procedure to facilitate the demarcation of territory. The Government also indicates that the Directorate-General for the Regularization of Agricultural Property and Rural Land Registration has a budget allocation for updating the registration service of 251 native communities in the departments of Junín, Cusco, Huánuco, Pasco, Madre de Dios and Ucayali. According to the statistical information up to May 2023 provided by the Government, out of 2,297 recognized native communities, 692 are still waiting to receive titles for their ancestral lands.

The Committee also notes that the CGTP, CUT-Perú and CATP refer in their observations to the adoption in January 2024 of the Act amending the Forest and Wildlife Act (No. 29763) and adopting supplementary provisions aimed at promoting forest zoning. The above-mentioned trade unions claim that the new Act establishes amendments which promote deforestation on indigenous peoples' traditional lands by eliminating the prior assessment procedure for the authorization of timber extraction. In this regard, the Committee observes that although the second supplementary provision of the above-mentioned Act provides that licences will not be granted for forest and wildlife exploitation activities in areas where the recognition, titling or extension of *campesino* (peasant farming) and native communities is under way, or in areas where the recognition of peoples in voluntary isolation is under way, this exception does not appear to be applicable to peoples whose land ownership has not yet been identified or is not the subject of a recognition or titling process.

The Committee trusts that the measures taken by the Government will serve to guarantee the protection of the lands traditionally occupied by the peoples covered by the Convention, and requests the Government to continue providing detailed information on progress achieved on the demarcation and titling processes. The Committee also requests the Government to provide clarification regarding the implications of the Act amending the Forest and Wildlife Act (No. 29763), adopted in 2024, for indigenous peoples and communities who live in areas containing forests and whose lands have not yet been identified or recognized.

Article 20(3)(c). Protection against all forms of bonded labour and debt bondage. The Committee notes that the Conference Committee asked the Government to provide information on the progress of investigations into the complaints concerning illegal logging and cases of forced labour linked to the *habilitación* system in the department of Ucayali. ***The Committee is examining the information provided by the Government on this matter in the context of its comments on the application of the Forced Labour Convention, 1930 (No. 29).***

The Committee is raising other matters in a request addressed directly to the Government.

Bolivarian Republic of Venezuela

Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratification: 2002)

Previous comment

The Committee notes the joint observations of the Confederation of Workers of Venezuela (CTV), the National Union of Workers of Venezuela (UNETE), the General Confederation of Workers (CGT), the Confederation of Autonomous Trade Unions (CODESA), the United Federation of Workers of Venezuela (CUTV) and the Federation of University Teachers' Associations of Venezuela (FAPUV), received on 31 August 2024.

Articles 2 and 33 of the Convention. Coordinated and systematic action. With reference to its previous comment, the Committee notes the information provided by the Government in its report on the strengthening of the "People's Indigenous Power". In particular, the Committee notes that:

- in 2023, the Ministry of the People's Power for Indigenous Peoples established 139 certified indigenous communal councils distributed in nine states, 460 communal councils were in the process of being certified and there were a total of 126 adaptations in Amazonas state. The Government indicates that indigenous communal councils have been accepted as another form of participation by indigenous communities in public policies, in addition to their traditional organizations, which has enabled the communities to take on roles that were within the domain of the public administration and to participate in the assessment, planning and approval of resources, and in controls for the achievement of local community development;
- in 2022, the Plan for Good Indigenous Government and its Challenges 2023–30 was adopted, resulting from preparatory assemblies at the community, municipal, state and national levels, which is due to serve as a basis for the development of specific action agendas and maps of solutions, based on the local conditions of each community and indigenous people;
- native peoples may present collective claims for their communities to the Ministry of the People's Power for Indigenous Peoples, which refers and follows up all requests with the competent bodies.

The Committee requests the Government to: (1) ensure the participation of indigenous peoples in the development of the action coordinated by the Ministry of the People's Power for Indigenous Peoples, and provide examples of such action; (2) provide information on the participation of indigenous peoples in the development, implementation and evaluation of action agendas and maps of solutions within the framework of the Plan for Good Indigenous Government and on the manner in which coordination is ensured between the central Government and the states, and between the Government institutions concerned; and (3) provide examples of the action promoted and taken at the local level by indigenous communal councils to protect the rights of indigenous peoples and ensure respect for their integrity.

Articles 6 and 7. Consultation and participation. The Committee notes the Government's indication that the Ministry of the People's Power for Indigenous Peoples is supporting the consultation process undertaken by the Ministry of the People's Power for Planning on the establishment of a motor district between the indigenous communities in the parishes of Codazzi in the municipality of Pedro Camejo

(Apure state), Parhueña in the municipality of Atures (Amazonas state) and Pijiguao in the municipality of Cedeo (Bolivar state). The Committee also notes the Government's indication that, commencing with the process of the election of deputies to the National Constituent Assembly in 2017, a methodology has been developed that guarantees that indigenous deputies and legislators are elected only by indigenous peoples and communities and not by the whole electorate. The Government explains that the Constitutional Chamber of the Supreme Court of Justice ordered the National Electoral Council (CNE) to initiate a new legislative process on the form and procedures for the election of indigenous deputies (Ruling No. 0068, of 5 June 2020). The CNE therefore issued the Special Regulations on the election of indigenous representatives to the National Assembly (Decision No. 200630-0024, of 30 June 2020) which, according to the Government, has made it possible to partially remedy the election process of the three indigenous deputies to the National Assembly by establishing a direct consultation mechanism for indigenous communities adapted to their own decision-making procedures.

The Committee also notes that the United Nations Committee on the Elimination of Racial Discrimination (CERD), in its concluding observations in 2024, expressed concern at: reports that legislative or administrative measures that may affect the effective exercise of the rights of indigenous peoples have been adopted without adequate consultation; and extractive projects and activities affecting the lands, territories and resources of indigenous peoples are carried out without respect for their right to prior consultation and without any social or environmental impact studies being carried out (CERD/C/VEN/CO/22-24, of 18 September 2024). Similarly, the Committee notes the concerns expressed by the United Nations Human Rights Committee at the lack of free, prior and informed consultation of indigenous peoples on the adoption and implementation of policies relating to extractive industries, such as oil drilling and mining activities, and environmental conservation (CCPR/C/VEN/CO/5, of 28 November 2023). The Committee notes that the Government informed the CERD that a protocol is being drawn up on the free, prior and informed consultation of indigenous peoples.

The Committee recalls that the Convention establishes the requirement for the State to consult indigenous peoples whenever consideration is being given to legislative administrative measures which may affect them directly, and particularly before undertaking or permitting any programmes for the exploration or exploitation of resources pertaining to their lands. The consultations have to be formal and full and be undertaken in good faith, and there needs to be genuine dialogue between governments and indigenous peoples characterized by communication and understanding, mutual respect, good faith and the sincere will to reach agreement. The Committee also recalls that indigenous peoples must fully enjoy their political rights without obstacles or discrimination.

The Committee urges the Government to develop an appropriate procedure for the consultation of indigenous peoples whenever legislative or administrative measures are envisaged which may affect them directly, in accordance with the requirements of the Convention, in consultation with these peoples and with their participation, and it requests information on any progress achieved in drawing up a protocol on the free, prior and informed consultation of indigenous peoples. The Committee requests the Government to provide information on: (1) the consultation processes supported by the Ministry of the People's Power for Indigenous Peoples, the methodology adopted and the agreements concluded, also with an indication of the manner in which the indigenous peoples concerned participated in the design of these procedures; and (2) the measures taken to ensure that indigenous peoples can fully exercise their political rights, without discrimination or obstacles, including in relation to participation in the National Assembly and on the mechanism for the direct consultation of indigenous communities for the election of deputies to the Assembly.

Article 3. Human rights. The Committee refers to its previous observation, in which it expressed deep concern at information relating to the situation of insecurity affecting various indigenous peoples in the country. The Committee notes with ***regret*** the absence of information in the Government's report on this subject.

The Committee notes that, in their joint observations, the CTV, UNETE, CGT, CODESA, CUTV and FAPUV indicate that: (1) the indigenous population is in a state of poverty and the violation of its rights; (2) the communication by representatives of indigenous communities with State bodies is completely ineffective, as their claims are not heeded or responded to; (3) indigenous peoples in the states of Bolívar, Amazonas and Delta Amacuro are being stalked by criminal groups with a view to achieving the mass displacement of indigenous persons to other countries, as is the case of the Waraos in the state of Delta Amacuro, and the Government has not taken any measures to prevent it. They also refer to: (1) the murder and systematic persecution of members of indigenous peoples, such as the Pemón people in south Orinoco, Bolívar state, the Yukpa people of the Perijá sierra, Zulia state, and the Yanomami people in Amazonas state; and (2) Government action involving force and increasing coercion against indigenous peoples in the state of Bolívar, and particularly the Pemón people, which is constantly subject to aggression and harassment by the military. They provide information on specific cases of arbitrary detention, forced displacement, attacks and murders of indigenous leaders and defenders.

The Committee notes that the United Nations High Commissioner for Human Rights, in his report of June 2024 on the situation of human rights in the Bolivarian Republic of Venezuela, indicated that mining activities, the presence of armed and criminal groups and the related violence have contributed to furthering the displacement of indigenous communities, and referred to reports of the displacement to Colombia of at least 6,000 Jivi, Uwottüja, Yekuana, Sanemá, Yeral and Yanomami over the past five years, fleeing confrontation between non-State armed groups, which has contributed in turn to the erosion of indigenous practices, while weakening their systems of self-governance and right to self-determination (A/HRC/56/63).

The Committee further notes that the CERD, in its concluding observations of 2024, expressed concern at allegations of acts of violence, threats and attempts against the life of leaders and defenders of the rights of indigenous peoples and Afro-descendent persons, and at the arbitrary use of criminal procedures to persecute defenders of the rights of indigenous peoples and their lands. The CERD also expressed concern at allegations of the excessive use of force, arbitrary detentions, torture and cruel, inhuman or degrading treatment, and due process violations against members of indigenous peoples, and particularly acts committed against members of the Yukpa indigenous people, and at the lack of transparency, diligence and intercultural relevance of investigations into acts committed against indigenous peoples (CERD/C/VEN/CO/22-24). The Committee also notes that the United Nations Human Rights Committee expressed concern at: (1) the persistence of situations of forced internal displacement, particularly in border states and mining areas, and especially among indigenous and rural communities; and (2) the continuation of criminal activities in indigenous territories, including by armed criminal groups, involving violence and threats against indigenous peoples (CCPR/C/VEN/CO/5).

The Committee expresses ***deep concern*** at the persistent situation of insecurity and violence affecting indigenous peoples, their leaders and defenders. ***The Committee strongly urges the Government to take the necessary measures to:***

- ***protect the life and safety of indigenous peoples, their representatives, leaders and defenders; ensure the full and effective exercise of their human rights; and investigate and punish the instigators and/or perpetrators of any acts of violence, intimidation and persecution;***
- ***prevent and bring an end to disputes arising out of illegal activities, including mining expansion, and safeguard the persons, institutions and rights of the peoples concerned, with the participation of those peoples.***

The Committee also once again requests information on the investigations carried out on the complaints lodged in relation to the acts of the Pemón Territorial Guard and on the manner in which respect is ensured for the human rights of members of the Ikaburú community, to which it referred in previous comments.

Articles 3 and 25. Shortage of food and medicine. In reply to the Committee's previous comments, the Government recalls that the country is affected by 930 unilateral coercive measures which have made the economic, social and cultural conditions of Venezuelan society more acute, resulting in the shortage of food and medicine and difficulties in purchasing essential goods. The Government indicates that, with a view to mitigating the effects and consequences of these measures, it has taken the following action: the creation and development of social production units for food production in indigenous areas; projects designed to achieve food self-sufficiency and the promotion of traditional medicine, medical and care days, vaccination, the identification and testing for pathologies, support and assistance for indigenous patients, and the direct provision of food modules and the establishment of food houses, among other measures.

The Committee notes that the CTV, UNETE, CGT, CODESA, CUTV and FAPUV, in their observations, refer to the lack of infrastructure, professional personnel, inputs and medicines. They indicate, for example, that in the state of Amazonas, in the municipality of Autana, only three outpatient primary healthcare centres are in operation of the 12 that exist in the area, and that in the municipality of Alto Orinoco, none of the 21 health establishments are operating. They emphasize that the indigenous population has a life expectancy at birth of up to 40 years lower than the national average and that they die of diseases that can be prevented by vaccination and which are treatable, such as diarrhoea, malnutrition, intestinal parasites, anaemia, birth complications, viral hepatitis, tuberculosis and malaria. The Committee also notes that the CTV, UNETE, CGT, CODESA, CUTV and FAPUV point to a lack of information on the impact of the various measures referred to by the Government in its report. They emphasize that isolated and circumstantial deliveries of food are enumerated which, although when combined with the action of non-governmental humanitarian organizations, address specific situations at a particular time, do not offer proof of a State policy to find a structural solution to the inequity in access to food suffered by indigenous peoples in the country. They add that traditional agricultural activities and fishing have been affected by water contamination by the mercury used in mining, which exposes the population to the consumption of toxic food.

While noting the measures taken by the Government, the Committee urges the Government to examine and address in a coordinated and systematic manner the situation of the shortage of food and medicine in indigenous communities, with the participation of indigenous peoples, and to provide information on the measures adopted and their impact.

Article 14. Land demarcation and titling. With reference to the progress made in land demarcation and titling, the Committee notes the Government's reiterated indication that since 2005 and up to the present 102 titles of collective ownership of indigenous lands and habitat have been granted to 683 communities, belonging to 15 indigenous peoples, which appears to indicate that there has been no progress in the demarcation and titling of indigenous lands since 2018. The Committee notes that, according to the CTV, UNETE, CGT, CODESA, CUTV and FAPUV, there is resistance to the rights of indigenous peoples in important areas of the Government, including the military.

The Committee also notes that the CERD refers in its concluding observations of 2024 to: (1) the slowness of processes for demarcating and titling indigenous lands and the fact that these processes have been at a standstill since 2016, partly because the regional demarcation commissions and the national commission are not functioning properly; and (2) the fact that the failure to demarcate and title indigenous lands has often been a contributory factor in attacks and illegal invasions by non-indigenous persons giving rise to serious conflicts and violence over access to land and natural resources (CERD/C/VEN/CO/22-24).

The Committee requests the Government to take immediate measures to proceed with the demarcation and titling of the lands of indigenous peoples, with the participation of the peoples and communities concerned, ensuring the effective protection of their rights, including measures to

prevent any intrusion and unauthorized use of the lands, and to provide information in this regard, including on the measures adopted within the framework of the Sectoral Plan for Indigenous Peoples.

Article 15. Natural resources. Arco Minero del Orinoco. With reference to the Committee's request for information on the consultations held with the indigenous communities affected by the mining activities carried out as part of the Arco Minero del Orinoco project, the Government reaffirms that it is guaranteeing eco-socialist conservation, the uses and customs of the indigenous peoples in the Arco Minero del Orinoco National Strategic Development Area and that it respects the prior and informed consultation of the indigenous peoples and communities in the area. In this regard, the Government provides a chronological list of the consultations held since 2017, which have included, among others: meetings with small-scale miners; meetings and assemblies in which the representatives of indigenous peoples made proposals to the National Government for the protection of their rights, the protection of the environment and the clarification of the status of the territories affected by mining, and to raise productivity in the Arco Minero del Orinoco; and the conclusion of 200 strategic alliances with small-scale miners. The Government adds that, as a result of the development of mining in authorized areas, benefits have been increased for the communities, such as their care and social protection, and incentives are provided for their participation in the work of the projects carried out on their lands. While noting this information, the Committee observes that the meetings referred to do not appear to meet the requirements of the Convention. The Committee recalls that the form and content of the consultation procedures and mechanisms have to guarantee the full expression, with sufficient notice and on the basis of a complete understanding of the issues raised, of the views of the peoples affected so that they can have an influence on the outcome and reach agreement, and so that the consultations are held in a manner that is acceptable to all the parties. If these requirements are met, consultations can be an instrument of genuine dialogue and social cohesion and play a decisive role in the prevention and resolution of disputes.

In this regard, the Committee notes that the CTV, UNETE, CGT, CODESA, CUTV and FAPUV indicate that Decree No. 2248, of 24 February 2016, on the Arco Minero del Orinoco Strategic Development Area, was adopted without consulting the indigenous communities affected and allocates 12 million hectares of indigenous lands for mining, and that the mining is destroying and contaminating rivers, the soil and indigenous lands with mercury and cyanide, and that there are multiple violations of the rights of the communities affected. The unions emphasize that the proliferation of legal and illegal mining is negatively affecting the lives of indigenous peoples in the Amazon area, who are being abducted and displaced, and is facilitating child labour and exploitation, prostitution, sexual exploitation and the trafficking of women, children and young persons. They observe that, between 2019 and 2021, the surface area affected by mining increased by 294 per cent. They emphasize that this situation has resulted in the displacement of indigenous persons towards mining camps to seek income for their survival, has changed the dynamic of communities, fragmenting their governance structures due to internal divisions in relation to mining, and has affected their production capacity. Moreover, the communities are exposed to poisoning by mercury originating from the mines, which is resulting in many types of illness, including genetic diseases. They add that in the Parima Tapirapecó National Park, a Yanomami territory in Alto Orinoco, illegal Brazilian miners *(garimpeiros)* are continuing their mining activities without the Bolivarian National Guard or any other official State force making efforts to prevent them.

The Committee also notes that the independent international fact-finding mission on the Bolivarian Republic of Venezuela, set up by the United Nations Human Rights Council, published detailed conclusions in 2022 on the human rights situation in the Arco Minero del Orinoco region and other areas of Bolivar state, and particularly, among other matters, on: the militarization of indigenous territories as a State strategy in response to the growing control by armed criminal groups of the mining sector; the creation of indigenous security groups to resist illegal mining and due to the lack of response by the authorities to the abuses of power and human rights violations by State security forces; threats

and attacks against indigenous leaders and women leaders who have prevented the passage of contraband or access to mines in their territory; as well as threats and attacks by State actors against indigenous leaders who have opposed the armed presence of the State in indigenous territories. The Mission observed that acts of violence for the control of mines located in indigenous territories often involve criminal gangs or "syndicates", with invasions by illegal miners under their control or protection. However, it also documented cases of violent attacks by State agents with the objective of gaining control of indigenous territories (A/HRC/51/CRP/2).

The Committee further notes that the CERD, in its concluding observations of 2024, also refers to allegations of sexual violence against indigenous women and girls, as well as trafficking for their economic and sexual exploitation, particularly in mining areas in the states of Amazonas, Bolívar and Zulia, where non-State armed and criminal organizations are operating.

The Committee deplores this information and strongly urges the Government to take the necessary measures on an urgent basis, in consultation with the indigenous peoples concerned, in order to: guarantee the full exercise of the rights to their lands and the natural resources pertaining to them, including the right to be consulted before undertaking or permitting any programmes for the exploration or exploitation of the resources pertaining to their lands; prevent and punish any intrusion or unauthorized use of these lands; protect and conserve the environment in the lands that they inhabit; and prevent any forced displacement. The Committee urges the Government to ensure immediately that the armed forces and/or other authorities do not engage in aggression or harassment against indigenous peoples in the region. The Committee also requests the Government to provide information on the measures adopted to evaluate, in cooperation with the peoples concerned, the social, spiritual, cultural and environmental impact that mining activities have on these peoples, the manner in which the findings of these studies have been considered as fundamental criteria for the implementation of the respective activities, the agreements reached; and the participation by the peoples affected in the benefits of such activities and the compensation received for any damages sustained as a result of these activities.

The Committee further requests the Government to take the necessary measures to prevent and respond to the particular vulnerability of children and women in the context of illegal activities and forced displacement, and to identify the labour and sexual exploitation practices of which they may be victims and provide them with adequate protection, in consultation with the communities affected.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2025.]

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 107** *Syrian Arab Republic;* **Convention No. 169** *Brazil, Mexico, Nepal, Nicaragua, Norway, Peru, Venezuela (Bolivarian Republic of).*

Specific categories of workers

Argentina

Home Work Convention, 1996 (No. 177) (ratification: 2006)

Previous comment

The Committee notes the observations of the General Confederation of Labour of the Argentine Republic (CGT RA), received on 23 August 2022. ***The Committee requests the Government to provide its reply in this regard.***

Articles 1–5 of the Convention. National policy. The Committee notes the measures adopted during the reporting period in relation to telework, including those covered by the Convention, namely telework as a permanent rather than an occasional arrangement (examined in detail in the direct request). The Committee also notes the recent publication of Decree 592/2024 in the Official Bulletin of 8 July 2024, through which the Executive Branch enacted Act No. 27.742, Bases and Starting Points for the Freedom of Argentines, which amends various provisions of the national legal system, including the Act on Employment Contracts. The Committee notes, however, that the Government has not provided information on the national policy relating to home work and other measures adopted with a view to improving the situation of all homeworkers, including those who do not telework. The Committee also notes the observations of the CGT RA, which highlight the absence of such policies in the country.

In this context, the Committee recalls that "the main requirement for ratifying States consists of the adoption, implementation and periodic review of a national policy on home work with the objective of improving the situation of homeworkers." (2020 General Survey on promoting employment and decent work in a changing landscape, paragraph 540). In this respect, the Committee emphasizes that, even where the legal system recognizes the legal right of homeworkers to equality of treatment with other salaried workers, a national policy on home work, as required under the Convention, is the means by which it is possible to take stock, together with the social partners, of the existing challenges and periodically explore possible improvements to the situation of homeworkers. A specific national policy therefore contributes to ensuring in practice the effective application of the principle of equality of treatment to determine, where necessary, the need to supplement national legislative provisions, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise, as established in *Article 4* of the Convention. The Committee also recalls that, in accordance with *Article 3* of the Convention, consultations on the national policy in question must be carried out with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers. ***In the light of the foregoing, the Committee requests the Government to provide information on: (i) measures adopted or envisaged, in accordance with Article 3 of the Convention, with a view to adopting a national policy on home work aimed at improving the situation of all homeworkers; and (ii) the consultations held with the most representative organizations of employers and workers on the development, implementation and review of such measures. In addition, it requests the Government to provide information on the impact of Act No. 27.742, Bases and Starting Points for the Freedom of Argentines, together with its implementing regulations, on the national policy on home work to improve the situation of such workers, and on the implementation of the Convention.***

Home work in the garment and footwear sector. The Committee notes that the CGT RA refers to section 2 of Regulatory Decree 118.755/45, regulating Act 12.713, on home work, which defines home work as work which is performed in the worker's home or premises chosen by him or her, or in the home or premises of a workshop facilitator, for an intermediary employer or workshop facilitator.

Furthermore, section 2 defines homeworkers as those who, under their own initiative, in a room or premises of their choice, perform tasks to produce goods at the request of an employer or intermediary. The CGT RA emphasizes that home work is mainly concentrated in the garment and footwear sector in Buenos Aires and reports precarious labour situations that remain hidden. In this regard, the CGT RA refers to a report of the Public Prosecutor's Office for Trafficking and Exploitation of Persons (PROTEX), which carried out inspections in Buenos Aires, which states that: (i) workers are subjected to conditions of servitude and similar practices; and (ii) only 8 per cent of the workplaces inspected met legal requirements and in 18.57 per cent unregulated workshops were identified. The CGT RA also refers to statements of the Workers' Union of the Footwear Industry of Argentina (UTRICA), which report the practice of "satellite" or clandestine workshops in the garment and footwear industry, which have increased against the backdrop of extreme decentralization of production by large enterprises aimed at reducing production costs and evading responsibilities. UTRICA alleges that: (i) large enterprises outsource garment-making to a person who is in charge of the relationship with the external workshop (workshop facilitators); (ii) the workshops work exclusively under the orders of the brands, which control the working conditions and labour pricing; (iii) the workshops are located in old houses that are rented, owned or occupied by workshop facilitators and where sometimes over 15 people work and live, including children and migrant workers in an irregular situation; and (iv) monitoring of offences found in a single workshop is decentralized among various bodies, depending on the type of offence or violation found, which hampers effective monitoring. In this respect, the Committee refers to its 2022 observation on the application of the *Forced Labour Convention, 1930 (No. 29)*, in which it notes with concern that, according to information provided by the Confederation of Workers of Argentina (CTA Autonomous) and the CGT RA, the practice of trafficking in persons in the garment sector persists. ***Taking into consideration that, in accordance with Article1(a) of the Convention, "home work" means work carried out by a person in his or her home or in other premises of his or her choice, other than the workplace of the employee, the Committee requests the Government to respond to the observations of the CTG RA concerning the existence of clandestine workshops that are also the home of workers in an irregular migratory situation.***

In this respect, the Committee draws the Government's attention to the guidance provided in the ILO report, *Good work! Human rights and labour rights due diligence tools for the garment sector in Argentina*, focused on the garment sector in Argentina. This report includes human rights due diligence tools to identify, prevent and mitigate the risks of forced labour and other labour rights violations with regard to homeworkers. These tools have been developed in the framework of the ILO project, Evidence for Action (EvA), funded by the United States Department of Labor, which seeks to increase the capacity of the public and private sectors to face these challenges effectively.

The Committee is raising other matters in a request addressed directly to the Government.

Plurinational State of Bolivia

Domestic Workers Convention, 2011 (No. 189) (ratification: 2013)

Previous comment

The Committee notes the observations of the Latin American and Caribbean Confederation of Domestic Workers (CONLACTRAHO), received on 1 September 2022. ***The Committee requests the Government to provide its comments in this respect.***

Articles 3(2)(c) and 4 of the Convention. Child labour. The Committee refers to its 2023 observation regarding the application of the Minimum Age Convention, 1973 (No. 138), in which it noted with satisfaction that following the declaration of unconstitutionality by Constitutional Court ruling No. 0025/2017 of July 21, 2017, and the approval of Law No. 1139 of December 20, 2018, which amends the Code for Children and Adolescents, the minimum working age was raised from 10 to 14 years. However,

the Committee also noted that Law No. 1139 does not specifically amend Article 129 (II), which sets the minimum age for self-employed workers at 10 years and for children in an employment relationship at 12 years and asked the Government to confirm whether Article 129, II, of the Code for Children and Adolescents is effectively inapplicable.

The Committee notes, in this respect, the information provided by the Government in its report under the present Convention on the measures taken with a view to eliminating waged child domestic labour in practice, including: (i) the production of a registration and authorization form for work for young persons, in conjunction with the Ministry of Justice and Institutional Transparency (Ministry of Justice) and the Ombuds Office for Young Persons; and (ii) the progressive implementation by the Ministry of Labour, Employment and Social Security (Ministry of Labour) of a system of temporary mobile offices in different areas with the aim of detecting any type of work by young persons under 14 years of age. While noting the Government's efforts to combat child labour, the Committee notes with ***concern*** that CONLACTRAHO in its observations denounces the fact that, according to 2020 information from UN Women, child labour persists in the waged domestic work sector involving girls as young as 7 years old, generally from impoverished families in rural areas or small towns who migrate to capital cities to work. The Committee also notes that the United Nations Committee on the Rights of the Child (CRC), in its concluding observations of 6 March 2023, expressed concern at the numerous reports of economic exploitation of children (according to a 2019 survey by the National Institute of Statistics, 83,000 children between 5 and 13 years of age work more than 40 hours a week and at night, including in hazardous conditions), particularly of Guaraní children in the Chaco region, as well as in the informal economy and in rural regions (CRC/C/BOL/CO/5-6, paragraph 44). The Committee further notes that CONLACTRAHO points out that, according to the National Institute of Statistics ongoing employment survey, in 2019 a total of 3,164 domestic workers between 14 and 17 years of age were registered. CONLACTRAHO also reports that, although the minimum age is set at 14 years, parents or guardians have the possibility of obtaining permission from the Ministry of Labour to enable children under 14 years of age to perform waged domestic work.

In its report, the Government indicates that, although it is clear that a high percentage of girls participate in economic activities, these are related to work within the family and not to waged work, and adds that family work does not necessarily constitute an employment relationship. In this regard, in view of the higher concentration of girls in the domestic work sector, the Committee emphasizes the need to address gender norms and discrimination, which increase the risk of child labour for girls in domestic work, particularly as child domestic labour is normally hidden from public view and is beyond the scope of labour inspectors, leaving children especially vulnerable to physical, verbal and sexual abuse (2022 General Survey on securing decent work for nursing personnel and domestic workers, key actors in the care economy, paragraph 655). ***In light of the above, the Committee strongly urges the Government to take the necessary measures, taking account of gender issues, to: (i) eliminate child domestic labour; and (ii) ensure that work performed by domestic workers who are under the age of 18 but above the minimum age for employment does not deprive them of compulsory schooling, or interfere with opportunities to participate in further education or vocational training, in accordance with Article 4(2) of the Convention. The Committee urges the Government to provide detailed information on the nature and impact of such measures and reminds the Government of the guidance on this matter contained in Paragraph 5 of the Domestic Workers Recommendation, 2011 (No. 201). In addition, taking into account the issues raised in its 2023 observation on Convention No. 138 as well as the concerns expressed by the CONLACTRAHO, the Committee asks the Government to clarify whether the national legal framework allows children under 14 years of age to be enabled to perform waged domestic work.***

Article 10(1) and (3). Equality of treatment in relation to hours of work. Periods during which domestic workers are not free to dispose of their time. The Committee recalls that since 2017 it has been suggesting to the Government to consider the possibility of establishing a working day of a maximum of eight hours

for all domestic workers, including those domestic workers who reside in the household for which they work. The Committee notes with ***regret*** that once again the Government has not provided information on the measures taken or envisaged in this regard. Accordingly, the Committee once again recalls that *Article 10(1)* of the Convention stipulates that measures shall be taken "towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work". Lastly, the Committee notes that the Government does not reply in its report to the other requests made in its previous comments relating to the application of *Article 10*. ***The Committee therefore once again requests the Government to take the necessary steps to establish, as for all other workers, a working day of a maximum of eight hours for waged domestic workers, including those waged domestic workers who reside in the household for which they work, and to send information on this matter. The Committee also once again requests the Government to indicate how the application of section 47 of the General Labour Act, according to which effective working hours include the time during which the worker is at the employer's disposal, is ensured in practice in the waged domestic work sector. In this regard, the Committee draws the Government's attention to the guidance contained in Paragraphs 8 and 9 of Recommendation No. 201.***

The Committee is raising other matters in a request addressed directly to the Government.

Bosnia and Herzegovina

Home Work Convention, 1996 (No. 177) (ratification: 2010)

Previous comment

Articles 1, 2 and 3 of the Convention. National policy on home work. Referring to its previous comments, the Committee notes the Government's indication that there have been no activities in the Federation of Bosnia and Herzegovina referring to developing a national policy as regards home work. The Government refers to reforms adopted in 2018 and 2022 by the Federation of Bosnia and Herzegovina to amend the Labour Law which did not concern home work. The Government states however that application of the Convention in practice was ensured through the provisions of the Labour Law regulating the issue of work outside the employer's facilities. As regards the situation in the Republika Srpska, the Committee notes the Government's indication that there is no policy on home work, although it is provided that employment outside the employer's facilities must not endanger the health of employees and other persons or the work environment. The Committee notes that the Government has not provided information on this point for the Brčko District. The Committee recalls that the situation has not evolved since 2013 when the Government indicated its intent to develop a policy on home work in the near future in consultation with the social partners as required by the Convention. The Committee notes once again that while the legislation of each of the three entities regulates work performed outside the employer's premises, homeworkers are not regulated as such. ***The Committee is therefore bound to recall once again that Article 3 of the Convention requires ratifying States to adopt, implement and periodically review a national policy on home work, in consultation with the social partners and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers. The Committee reiterates its request to the Government to provide information on measures taken and consultations held concerning the development of a national policy on home work. The Committee requests the Government to provide updated information regarding the development of any legislation and policy on homeworkers and to provide a copy of these documents.***

Article 4(2). Equality of treatment. The Committee recalls that although the legislation in the Brčko District does not address the issue of home work, the Government previously indicated that section 4 of the Labour Law of the Brčko District prohibits discrimination against both jobseekers and workers while recognizing that it is not in a position to provide specific information on the issue of equality of

treatment between homeworkers and other workers. In its latest report, the Government has provided no new information on how the situation in this district has evolved since 2018. The Committee further notes that, as regards the Republic of Srpska, the Government indicates that there is no difference between employees who work from home and employees who work at the facility of the employer, and that regulations on occupational safety and health are applied to all categories of employees and employers without exceptions. ***The Committee recalls that for a number of years it has been raising concerns regarding the need to have a national policy on home work that effectively promotes equality of treatment between homeworkers and other wage earners, taking into account the special characteristics of home work. The Committee observes that without formulating, implementing and duly monitoring a policy vision, in consultation with relevant stakeholders as required by the Convention, ensuring equality of treatment between home workers and other wage earners in relation to the eight thematic areas, as required by Article 4 of the Convention, is highly compromised as demonstrated by the Government's incapacity to gather information and report on the subject. The Committee therefore asks the Government to duly provide information in its next report on how it effectively promotes equality of treatment between home workers and other wage earners in all entities of the national territory.***

Article 9. Enforcement measures. The Government indicates once again that no labour inspections related to home work have been performed in the Federation of Bosnia and Herzegovina and the Republic of Srpska within the reporting period and has not provided information on this point as regards the Brčko District. The Committee notes this information with ***concern*** and reminds the Government that, according to *Article 9* of the Convention, a system of inspection shall ensure compliance with the laws and regulations applicable to home work and that adequate remedies, including penalties where appropriate, in case of violation of these laws and regulations shall be provided for and effectively applied. The Committee considers that the absence of a dedicated policy combined with the lack of targeted inspections to monitor the application of the national legislation seriously compromises the application of the Convention. ***The Committee consequently requests the Government to ensure the effective application of the Convention in all the entities comprising the national territory and to ensure that a system of inspection secures compliance with the laws and regulations applicable to home work, and that adequate remedies and penalties are provided for and effectively applied in case of violation of these laws and regulations.***

The Committee is raising other matters in a request addressed directly to the Government.

Bulgaria

Home Work Convention, 1996 (No. 177) (ratification: 2009)

Previous comment

Article 3 of the Convention. Declaration and implementation of a national policy on home work. With reference to the issues raised in the Committee's previous comments, the Government indicates that meetings were held in the past years with representatives of homeworkers to discuss issues related to homeworking specifically. In particular, the Government refers to meetings held in 2018 with the Association of Self-employed and Informal Workers and in 2020 with the Union of Self-Employed Informal Workers (UNITY). The Government states that tangible opportunities for interaction with the compliance authorities have been discussed with representatives of these organizations to better guarantee the rights of homeworkers. The Government further states that one of its main objectives is to tackle the problem of undeclared work and the use of so-called "civil contracts", which are inadmissible when they conceal the provision of labour. It adds that by decree the General Labour Inspectorate can declare the existence of an employment relationship when it finds that civil contracts are used to disguise an employment relationship. ***The Committee notes this information with interest***

and requests the Government to continue to provide detailed information concerning the development, implementation and review of measures adopted or envisaged to improve the situation of homeworkers, in consultation with the employers' and workers' organizations.

Articles 1 and 4(2)(a), (d), (e), (g) and (h). Definition of homeworker. Equality of treatment. The Committee notes the information provided by the Government regarding the status of homeworkers and their equal treatment with other workers working within enterprises. The Government indicates that the national legislation provides for a distinction between the status of workers who have an employment relationship and persons who are in a contractual relationship without subordination and that appropriate control mechanisms are provided to ensure that employers fulfil their obligations and that labour legislation is not circumvented. The Government considers that the definition of the content of the employment contract for homeworking in national legislation (section 107b(1) and (2) of the Labour Code) is in line with the definition of "homeworking" under *Article 1* of the Convention. The Government adds that the employer is obliged to provide the same pay and equal treatment to homeworkers as it provides to workers and employees working within enterprises (section 107d, subparagraph 2 of the Labour Code) and that the Labour Code ensures that homeworkers enjoy the same rights and protections as workers and employees working on the premises of their employer. The Government adds that the imperative nature of the provision of section 1(2) of the Labour Code implies that recourse to so-called "civil contracts" is inadmissible when they are used to disguise the provision of labour. The Government emphasizes that the Labour inspectorate has the possibility to declare by decree the existence of an employment relationship when it finds that the provision of the labour force has not been regulated in a lawful manner. The Committee also notes the information provided by the Government regarding the level of pay for homeworkers, stating that there are legal provisions ensuring stability and certainty in the payment of wages to workers and employees, including homeworkers, as well as rules to ensure that the employer's obligation to pay wages to workers and employees on time is fulfilled. The Government clarifies that when labour standards are fully met, workers are entitled to the wages agreed upon in their employment contracts. If labour standards are not met due to the worker's fault, they are paid based on the work performed. However, if standards are fully met or not met through no fault of the worker, they are entitled to wages no less than the country's minimum wage. The Government states that it is not possible to agree in the employment contract a wage that is below the national minimum wage. In cases of violation of the legal framework, workers can turn to the Labour Inspectorate, which is empowered to take coercive administrative measures. The Committee further notes the information provided by the Government regarding the minimum age for work as homeworkers, indicating that the general provisions of labour law apply to all employment relationships, regardless of the type of employment contract and that section 301(1) of the Labour Code sets the minimum age for admission to employment at 16 years. The Government indicates that employment of persons under 16 years of age is prohibited and that, exceptionally, minors aged 15 or over may be employed. ***The Committee requests the Government to continue providing detailed information on the specific measures, in consultation with the social partners, to identify homeworkers in an employment relationship, and to guarantee that homeworkers are not paid at rates below the minimum rate. The Committee also requests the Government to continue providing information on the impact of measures taken with a view to ensuring equality of treatment between homeworkers and other workers in practice.***

Article 6. Labour statistics. Article 9 and Part V of the report form. Enforcement measures. Application in practice. ***The Committee notes the information provided by the Government in response to its previous comments and requests the Government to continue providing updated information concerning the practical application of the Convention, including, if applicable, copies of judicial decisions relevant to the principles of the Convention.***

Netherlands

Home Work Convention, 1996 (No. 177) (ratification: 2002)

Previous comment

Articles 1, 2 and 3 of the Convention. National policy on home work. The Committee recalls that since the entry into force of the Convention, it has been drawing the attention of the Government to the need to adopt, implement and periodically review a dedicated national policy on home work aimed at improving the situation of homeworkers, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers. For many years, the social partners have repeatedly observed that the Netherlands have no national policy relating to home work and that they have not been invited to discuss the situation of homeworkers specifically. For its part, the Government has constantly maintained the position that because by law homeworkers enjoy the same protection as other workers, it considers that no separate policy is required to guarantee them the protection resulting from the Convention and that the social partners are regularly consulted in the framework of regular discussions on labour legislation and the labour market held between them and the Government. Again, in its latest report, the Government states the same position and provides information on recently adopted or amended legislation, in consultation with the social partners, for example to ensure a balanced labour market, improve the opportunities of groups in vulnerable situations, and ensure a good work–life balance, which includes the Law on Paid Parental Leave, the Balance Employment Market Act, the Tax Plan 2023, the Minimum Wage Act, the legislative proposal Future Pensions Act, and the policy plan "A Balanced Participation Law". The Government has supplied statistical information for the years 2013, 2017, and 2020, disaggregated by gender, regarding the number of home workers (workers usually working from home), and workers working from home incidentally on a fixed day. However, while the Government had previously indicated that a tripartite discussion on the position of homeworkers in a broad sense could take place in the framework of the regular discussions on labour legislation and the labour market held between the social partners and the Government, the Committee notes with ***regret*** that the latest report is silent on this point. The Committee wishes to stress in this respect that, while the Convention leaves a broad leeway to countries to implement their national policy on home work stating that this may be done by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice *(Article 5)*, the existence of a dedicated national policy is the fundamental rationale behind the Convention. Even where the legal framework recognizes that homeworkers are entitled by law to equal treatment with other wage workers, a national policy on home work as that required by the Convention is the means to, jointly with the social partners, take stock of existing challenges and periodically explore potential improvements in the situation of homeworkers. In practice, a dedicated national policy therefore helps to secure the effective application of the principle of equality of treatment by, as the case may be, identifying the need to supplement the provisions of the national legislation, taking into account the special characteristics of home work and, where appropriate, the conditions applicable to the same or a similar type of work carried out in an enterprise, as stated by *Articles 3* and *4* of the Convention. Without such a dedicated national policy and the discussions with the social partners around the challenges related to its conception, its implementation and its periodic review, the specificities proper to home work and the compliance problems encountered may quickly become invisible to Government action, thus jeopardizing the effective implementation of the principle of equality of treatment. To this effect, recognizing the need for equality of treatment to be promoted by way of national policies, *Article 4* of the Convention lists the areas in which this promotion needs to be carried out while *Article 6* encourages the collection, to the extent possible, of labour statistics to this effect. Furthermore, *Article 7* specifically calls for national laws and regulations on safety and health at work to take into account the special characteristics of home work and establish conditions under which certain types of work and the use of

certain substances may be prohibited in home work for reasons of safety and health. Also, where the use of intermediaries in home work is permitted, *Article 8* requires that the responsibilities of employers and intermediaries need to be determined by laws and regulations or by court decisions, in accordance with national practice. Finally, the Convention requires that the labour inspection system needs to ensure compliance with the national regulatory framework applicable to home work and that, in case of non-compliance, adequate remedies need to be provided and effectively applied *(Article 9)*. ***In view of the above, the Committee strongly hopes that the Government's next report will indicate progress made to give effect to the Convention by adopting, implementing and periodically reviewing a national policy on home work aimed at improving the situation of homeworkers, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers. The Government is also requested to indicate whether special arrangements have been made in the area of safety and health at work and vis à vis the use of intermediaries in home work to give effect to Articles 7 and 8 of the Convention. The Committee also requests the Government to provide information on how the labour inspection covers home work in its activities and the number of inspections carried out, violations observed and sanctions applied. The Committee finally requests the Government to continue to provide updated statistical and other relevant information concerning the application of the Convention in practice, including information on the number of workers covered by the Convention, if possible broken down by gender and age, as well as copies of official reports or research studies concerning the working conditions of homeworkers.***

Paraguay

Domestic Workers Convention, 2011 (No. 189) (ratification: 2013)

Previous comment

The Committee notes the observations of the Central Confederation of Workers Authentic (CUT-A), received on 27 August 2021. It further notes the observations made jointly by three domestic worker trade unions: the Union of Women Domestic Workers of Paraguay – Legitimate (SINTRADOP-L); the Union of Women Workers in Domestic Service of Paraguay (SINTRADESPY); and the Union of Women and Men Domestic and Allied Workers of Itapúa (SINTRADI), received on 31 August 2021. The Committee notes the Government's indication that by letter dated 29 July 2021 the Directorate for the Promotion of Working Women of the Ministry of Labour, Employment and Social Security (MTESS), provided responses to the latter observations. ***Noting however that this communication was not appended to the Government's report, the Committee requests the Government to provide its comments in this respect.***

Articles 3(2)(b) and (c), and 4 of the Convention. Forced labour. Abolition of child labour. Criadazgo. Once again, the Committee recalls that for more than a decade, in its comments concerning the application of the *Worst Forms of Child Labour Convention, 1999 (No. 182)*, it has been requesting the Government to intensify its efforts to eradicate and criminalize situations of child domestic servitude under the *criadazgo* system. It further recalls that a number of United Nations human rights bodies have also drawn the attention of the Government to the need to prevent and eliminate this practice. In her 2018 report, the United Nations Special Rapporteur on contemporary forms of slavery, their causes and consequences, noted that, in situations of *criadazgo*, children (usually girls) between 10 and 17 years of age from poor rural families are sent by their parents to live with a family in an urban area, ostensibly to have access to food, board and education. However, once in the household, the child is required to perform domestic work services for the family in conditions of domestic servitude (A/HRC/39/52/Add.1, 20 July 2018, paragraph 37). The Committee notes the Government's indication that child domestic work is prohibited under national legislation, referring to section 5 of the Domestic Work Law, No. 5.407/15, which sets the minimum legal age of admission to domestic work at 18. The Government also refers to

section 2 of Decree No. 4951/05, which includes child domestic work and *criadazgo* on the list of hazardous work considered to be among the worst forms of child labour. The Committee further notes the Government's reference to the provisions of Act No. 4788/212 on Trafficking in Persons, under which a number of cases of *criadazgo* have been tried as trafficking offences. The Committee notes the information provided by the Government concerning measures taken to eliminate the practice of *criadazgo*, including the development of a protocol and awareness-raising campaigns and workshops against the practice, such as "No to Criadazgo, Respect my Rights" (*No al criadazgo, respeta mis derechos*) and "Criadazgo is not Usual Practice" (*Criadazgo no es normal*), as well as the inclusion of *criadazgo* in the National Policy for Children and Adolescents 2014–2024. Recalling previous information provided by the Government concerning the development of a Bill criminalizing *criadazgo,* the Committee notes the information provided by the Government to the United Nations Committee on the Rights of the Child in 2022 concerning the development of a legislative Bill which would amend the Code on Children and Adolescents to define and criminalize the practice, enabling prosecution and punishment of offenders (CRC/C/PRY/4-6, 14 December 2022, paragraph 155). In this regard, the Committee notes that, according to information available on the website of the Chamber of Deputies, on 26 November 2024, the Chamber of Deputies gave preliminary approval to the Bill which guarantees the right of children and adolescents to protection against *criadazgo* and is currently pending before the Senate.

The Committee further notes the information provided by the Government in relation to the development and delivery of capacity-building courses and workshops on Strategies for the Prevention of Child Labour, which address *criadazgo* and in which over 1,450 persons attended, and a course for counsellors of the Municipal Advisory on Children and Adolescents (CODENI) in the Central Department on how to detect and address cases of *criadazgo*. In coordination with the Supreme Court, the Ministry of Labour, Employment and Social Security (MTESS) has provided training on child labour to family court and labour judges. The 2021 campaign for the International Year for the Elimination of Child Labour and Protection against Adolescent Labour included awareness campaigns against child domestic labour. The Government also refers to the campaign "Paraguay Without Child Labour", which seeks to raise awareness of the 26 worst forms of child labour, including *criadazgo*. In addition, the Government notes the decentralization of work on the National Strategy for the Elimination of Child Labour 2019–2024, leading to the establishment of four Commissions on the Elimination of Child Labour, in the Departments of Cordillera, Concepción, Itapúa and Boquerón, as well as the adoption of MTESS Resolution No. 217/221, which establishes shorter deadlines in investigations into situations of child labour. The Government does not, however, provide information on the numbers of cases of *criadazgo* detected and penalties imposed. The Committee notes the observations of the CUT-A indicating that, despite the prohibition against employing minors under the age of 18 in domestic work, the Government has not taken timely and effective measures at the administrative level to abolish child domestic work and the *criadazgo* system, nor is there an effective labour inspection system or other programmes in place to prevent these practices. The Committee also notes the joint observations of SINTRADOP-L, SINTRADESPY and SINTRADI, who submit that *criadazgo* remains a common practice in Paraguay. They point out that, while most child labour in Paraguay is concentrated in the Central Department, the relevant governmental institutions are located in the capital. The domestic worker organizations indicate that from 2014 to 2016, some 98 cases of *criadazgo* were detected, with 81 per cent of the victims being between 9 and 17 years of age, and 73 per cent being girls. They express the view that, despite the gravity of the situation, the Government has made very few efforts to eliminate this practice and these efforts do not reach the rural communities affected.

The Committee recalls that, according to the 2018 report of the United Nations Special Rapporteur on Contemporary Forms of Slavery, many Government programmes and services in Paraguay, including labour inspection and initiatives to address the worst forms of child labour, including *criadazgo,* often do not reach poor, rural and socially excluded groups. The Special Rapporteur urged the Government to take steps to ensure full geographic coverage of these programs and services. She also expressed

concern at reports of insufficient funding for institutions, which affected efforts to end forced labour and the worst forms of child labour, including *criadazgo* (A/HRC/39/52/Add.1, paragraphs 29 and 30). In this context, the Committee once again notes the recommendation of the Special Rapporteur that, in addition to addressing the legal protection gap in relation to *criadazgo,* the Government should also address its root causes, particularly the extreme poverty and lack of economic alternatives that often influence the decision of parents to allow their children to face potential exploitation in situations of *criadazgo* (A/HRC/39/52/Add.1, paragraph 42). The Committee notes that, in its 2024 concluding observations, the United Nations Committee on the Rights of the Child expressed its deep concern in relation to the high rates of missing children in Paraguay, in particular girls, and in the context of *criadazgo,* urging the Government to take immediate and effective measures to prevent children going missing, addressing its root causes, including *criadazgo*, designing and implementing effective procedures (CRC/C/PRY/CO/4-6, 18 June 2024, paragraphs 16(b) and 17(b)). In its concluding observations of 20 August 2019, the United Nations Human Rights Committee expressed concern about the persistence in the country of trafficking in persons and reports of labour exploitation of domestic workers, particularly indigenous women and girls, as well as the prevalence of the worst forms of child labour, including the practice of *criadazgo*. The Human Rights Committee called for the Government to strengthen efforts to prevent, combat and punish trafficking in persons and ensure respect for the fundamental rights of domestic workers, including migrant workers, ensuring that they are protected from situations of domestic servitude, and to adopt regulations, instruments and policies to eliminate the practice of *criadazgo*, including providing support for families of origin, developing awareness-raising campaigns and educational and vocational training programmes for children and adolescents from vulnerable families throughout the country (CCPR/C/PRY/CO/4, 20 August 2019, paragraph 33). In this context, the Committee notes the joint observations of SINTRADOP-L, SINTRADESPY and SINTRADI, which refer to the *Abrazo* programme, through which the Government provides financial assistance to some 10,000 families in 10 of the 17 departments of the country, with the aim of keeping children from these families out of child labour. They note, however, that the incidence of child labour increased during the COVID-19 pandemic, and that public spending on adolescence and young persons decreased from 2012 to 2018, affecting certain programmes *(Tekoporã* and *Ñopytyvo)* providing financial support to poor and indigenous families. ***Noting that the Bill which guarantees the right of children and adolescents to protection against* criadazgo *has been adopted at first instance by the Chamber of Deputies, the Committee strongly hopes that the new bill will be adopted in a near future and requests the Government to provide a copy of the bill once it is adopted, as well as information concerning its implementation. The Government is further requested to take effective and rapid measures without delay, including through provision of training and adequate human and financial resources, to strengthen the capacity of the labour inspection system to detect and prevent situations of child domestic work, particularly situations of* criadazgo*. The Government is requested to provide updated information in this respect, including information on the number of inspections carried out to detect child domestic labour, the number of violations detected and the penalties imposed. In addition, the Government is requested to provide information on measures taken to address the socioeconomic causes of* criadazgo*, as well as to remove the victims of child domestic work and* criadazgo *from this work and to ensure their rehabilitation and social integration, including through ensuring their access to education, vocational training and livelihoods, and on the results achieved.***

Article 5. Protection against abuse, harassment and violence. In response to the Committee's previous comments, the Government provides information on a number of measures taken to implement the protections against violence and harassment set out in Act No. 5777/16, including the adoption of MTESS Resolution No. 388/2019, which established the Office for Assistance and Prevention of Workplace Violence, as well as procedures governing actions against workplace violence, mobbing and sexual harassment. The Committee notes the information provided by the Government indicating the number of working women who brought complaints to the Office for Assistance and Prevention of

Workplace Violence since its opening in February 2019 to July 2021. In 2019, 309 complaints were made, falling to 243 in 2020 and reaching 157 in the first half of 2021. The Committee notes that most complaints made referred to the Act on the Promotion and Protection of Maternity and Breastfeeding Act, while other complaints involved allegations of mobbing, sexual harassment and physical violence. The Government does not indicate whether or what proportion of cases involved abuse, harassment or violence in the domestic work sector. The Committee notes awareness-raising measures undertaken by the MTESS, including the creation of a Citizen's Channel which disseminates information on a weekly basis on Zoom and Facebook on labour issues, and materials developed on preventing workplace violence, entitled "If you are a victim of violence, do not be silent, make a complaint", as well as materials aimed at raising awareness of labour rights and issues, including domestic work and workplace violence, among others. The Government indicates that the centre Ciudad Mujer (Women's City) makes materials on prevention and assistance in cases of violence against women, and provides a free hotline service. In their joint observations, SINTRADOP-L, SINTRADESPY and SINTRADI indicate that Act No. 5777/16 is predominately applied in cases of domestic violence, and that MTESS regulations that address workplace abuse, harassment and violence apply to enterprises and not to individual employers and workers in the domestic work sector. ***The Committee requests the Government to provide updated information on measures taken or envisaged to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence. The Committee also requests the Government to provide statistical information on the number of complaints of harassment, abuse and violence in the context of domestic work lodged with the competent bodies, including those lodged with the Labour Affairs Service (SAAL) and the courts. In this context, the Government is requested to indicate whether MTESS Resolution No. 388/2019 is applied to cover situations of abuse, harassment and violence in the domestic workplace. Lastly, and as part of its measures to address abuse, harassment and violence in the workplace, the Government is invited to consider ratifying the Violence and Harassment Convention, 2019 (No. 190).***

*Article 10. Equal treatmen*t between *domestic workers and workers generally in relation to normal hours of work.* The Government once again indicates that section 13 of the Domestic Work Act, No. 5.407/15 establishes that normal working hours for domestic workers who do not reside in the household cannot exceed eight hours per day or 48 hours per week when the work is performed during the day, or seven hours per day or 42 hours per week when the work is performed at night. Nevertheless, the Committee once again notes that section 13 does not establish limits on working hours for domestic workers who reside in the employer's household. The Government reports that the MTESS has made available a model domestic work contract in which the normal hours of work and rest periods of the domestic worker must be indicated. However, the Committee nevertheless notes that the model contracts for full- and part-time domestic work made available to the public on the MTESS web page do not address the issue of limits on normal working hours for either live-in or live-out domestic workers. Moreover, the Government does not provide information on the manner in which it ensures the effective application of the protections concerning the normal hours of work for domestic workers established by Act No. 5.407/15. In addition, the Government does not indicate the manner in which it ensures that periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the employer are considered as hours of work, as contemplated in *Article 10(3)*. The Committee recalls that section 193 of the Labour Code defines the working day to include "the period during which the worker remains at the disposal of the employer". With respect to the application of *Article 10(3)*, the Government indicates that the MTESS is carrying out a number of initiatives through internet platforms such as Facebook to inform domestic employers and workers of their rights and obligations under the domestic work and social security legislation. ***The Committee reiterates its previous request on these points and urges the Government to consider taking the necessary measures to amend section 13 of Act No. 5.407 to ensure that live-in and live-out domestic workers enjoy equal conditions in terms of normal working hours. In addition, the Committee once again requests the***

Government to provide information on the manner in which it ensures the effective application of the legislative protections in place concerning limits on normal working hours. Finally, the Committee reiterates its request that the Government clarify whether section 193 of the Labour Code is applicable to domestic workers and, if this is not the case, to take steps to clarify the manner in which it is ensured that periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls for their services are regarded as hours of work.

Article 11. Minimum wages. The Government reiterates its reference to Act No. 6338/19 of 2 July 2019, which modified section 10 of the Domestic Work Act, No. 5. 407/15, increasing the salary of domestic workers from 60 per cent of the national minimum wage to 100 per cent of the minimum wage. The Committee further notes the information provided by the Government concerning MTESS Resolution No. 889/2021 of 1 July 2021, which regulates the readjustment of the wages and daily rates of domestic workers nationwide. The Committee nevertheless notes that the Government has not provided information requested on the impact in practice of the amendment, including statistical information on wage trends for domestic workers, disaggregated by sex and age. Nor has the Government provided copies of court decisions relating to the failure of an employer to pay the minimum wage to the domestic worker, as requested by the Committee. The Committee also notes the joint observations of SINTRADOP-L, SINTRADESPY and SINTRADI, which indicate that in practice, domestic workers earn much less than the minimum wage. They add that, according to the National Statistics Institute (INE), male domestic workers earn higher average wages (1,480,000 guaranis) than female domestic workers (1,294,000), with salaries being much lower in the rural areas. ***The Committee reiterates its request that the Government provide information on the impact in practice of the amendment to section 10 of Act No. 5407/2015, including statistical information on wage trends for domestic workers nationwide, disaggregated by sex and age. The Committee also once again reiterates its request that the Government provide copies of court decisions concerning the failure of the employer to pay the national minimum wage to the domestic worker. In addition, the Government is requested to provide information on measures taken or envisaged to give full effect to Article 11, ensuring that remuneration for domestic workers is established without discrimination based on sex.***

Articles 13 and 14. The right to a safe and healthy working environment. Social security. The Committee notes the information provided by the Government with respect to measures taken to promote a safe and healthy working environment for domestic workers, including: the development of the 2017 Guide to Occupational Safety and Health for Domestic Workers in Paraguay, the establishment in 2018 of an Inter-institutional Board with the Social Welfare Institute (IPS), the adoption of an Integrated Strategy for the Formalization of Work, which includes the domestic work sector, as well as awareness-raising campaigns conducted by the MTESS and the IPS to disseminate information on the urgent need to formalize the domestic sector. The Committee notes the statistical information provided by the Government regarding the number of domestic workers registered with the General Social Security System of the IPS during the period 2015 to 2020, disaggregated by sex. It further notes that the number of domestic workers registered with the IPS fell from 17,934 in 2015 to 13,905 in 2020. The Government attributes this decline to the increase in contribution amounts payable to the General Social Security System, which rose from 8 per cent in November 2015 to 25.5 per cent with the entry into force of Act No. 5.407/15. It adds that the adoption of Act No. 6338/2019 of 1 July 2019, which increased the salary of domestic workers to 100 per cent of the national minimum wage, increased the contribution amounts further, resulting in the decline in the number of domestic workers registered with the General Social Security System of the IPS. The Government indicates that this impact was mitigated by the adoption of the Act on Part-Time Work (Act No. 6339/2019 of 8 July 2019). ***The Government is requested to continue to provide information on the nature and impact of measures adopted to give full effect to Article 14 of the Convention. In addition, the Government is requested to continue to provide updated detailed***

information, disaggregated by sex, on trends in the numbers of domestic workers registered with the Social Welfare Institute (IPS) for occupational risks.

The Committee is raising other matters in a request addressed directly to the Government.

[The Government is asked to reply in full to the present comments in 2025.]

Philippines

Plantations Convention, 1958 (No. 110) (ratification: 1968)

Previous comment

The Committee notes that the Ministry of Agriculture has developed a number of road maps, covering the period 2021–25, for the banana, cocoa, coconut and coffee industries. ***While noting that the principal objectives of these road maps are: (1) to increase productivity in order to ensure better food security; and (2) to modify cultivation techniques in order to support small producers, improve supply chains and maintain the competitiveness of the agricultural sector internationally, the Committee hopes that, in the pursuit of these objectives, the Government will take fully into account the provisions of the Convention.***

Part V (Annual holidays with pay), Articles 36–42 of the Convention. The Committee recalls that, according to the information provided by the Government in successive reports, certain categories of plantation workers are not covered by holidays with pay and service incentive leave. These categories include field personnel and other workers whose time and performance are not supervised by the employer, including those engaged on a task or contract basis, a purely commission basis, or those paid a fixed amount for performing work irrespective of hours worked. For other workers, labour inspections are conducted on a regular basis, labour advisories disseminated and media campaigns run to remind employers of the need to grant workers holidays with pay and "service incentive" leave. In its most recent report, the Government merely indicates that the provisions of the Labour Code on holidays with pay apply to all workers, including those in the agriculture sector. However, the report does not provide any information on measures taken or envisaged to ensure the rights under this part of the Convention to the workers mentioned earlier whose work is not supervised by the employer. In addition, the report provides information regarding non-working public holidays and public holidays which, under certain conditions specific to the aforementioned section, are worked and remunerated at an additional premium of 100 per cent. The Committee therefore recalls once again that the Convention requires all plantation workers – regardless of the manner in which their work is organized or supervised – to be granted annual holidays with pay after a period of continuous service with the same employer. ***The Committee therefore hopes that the Government will not fail to provide information in its next report on the measures taken or envisaged to extend the application of this part of the Convention to all categories of plantation workers. The Committee further requests the Government to indicate whether this matter is addressed in the context of the implementation of the above-mentioned road maps developed for the banana, cocoa, coconut and coffee industries.*** The Committee wishes to draw the Government's attention to *Decent work on plantations* (available in English only) and *Decent work deficits among rural workers*, ILO publications which outline recommendations noting that a large proportion of workers on plantations are employed informally and, consequently, are deprived of social protection and fundamental rights at work. In addition, workers frequently face difficult working conditions, including excessive working hours, low wages and lack of annual holidays with pay. Furthermore, rural workers, including plantation workers, have limited access to essential public services such as health and education. There are significant inequalities, including in terms of gender and socio-economic status, that affect access to decent jobs. Economic and health crises, such as the COVID-19 pandemic, have exacerbated the existing vulnerabilities of rural workers, making their employment more precarious. The studies mentioned above contain good practices and recommendations for the

development and implementation of national policies for decent work in the plantation sector and call, inter alia, for strengthening public policies to formalize employment, improve working conditions and guarantee access to basic social services.

Part XI (Labour inspection), Articles 71–84. The Committee notes the statistical information on the number of inspections carried out in 2019 and 2020. It notes in particular the adoption of Department Order No. 238, Series 2023, which strengthens the visiting and enforcement powers of the Secretary of Labour and Employment with a view to ensuring a higher level of compliance with labour legislation, safety and health and other social legislation. In addition, with regard to inspections conducted specifically on plantations, the Committee notes the Government's indication that the authority responsible for statistics (*Philippines Statistics Authority* – PSA) uses the standard industrial classification (*Philippine Standard Industrial Classification* – PSIC), section A of which covers agriculture and fishing. ***In order to assess the effective application of the Convention in practice, the Committee requests the Government to provide updated statistical information on inspections conducted specifically on plantations. It also requests the Government to provide information on the type of violations detected and the penalties imposed.*** In this regard, the Committee wishes to draw the Government's attention to the ILO's Guidelines on general principles of labour inspection, which underscore the need: (i) to strengthen labour inspection systems to ensure compliance with labour laws and standards; (ii) to improve the training of labour inspectors and the provision of adequate resources, these being essential for the efficient performance of their tasks; (iii) to strengthen the normative framework to support labour inspection activities and protect inspectors from political interference and other external influences; and (iv) and encourages it to take these guidelines into account when promoting decent working conditions on plantations, including fair wages, safe working conditions and respect for labour rights.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: **Convention No. 110** *Nicaragua;* **Convention No. 149** *Azerbaijan, Bangladesh, Congo, Latvia, Lithuania, Slovenia, Tajikistan;* **Convention No. 172** *Austria, Netherlands (Caribbean Part of the Netherlands), Netherlands (Curaçao);* **Convention No. 177** *Argentina, Bosnia and Herzegovina, Tajikistan;* **Convention No. 189** *Argentina, Bolivia (Plurinational State of), Mauritius, Mexico, Namibia, Nicaragua, Paraguay, Peru, Philippines, Sweden*.

The Committee noted the information supplied by the following States in answer to a direct request with regard to: **Convention No. 149** *Norway.*

II. Observations concerning the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference (article 19 of the Constitution)

Albania

Failure to submit. The Committee notes with ***deep regret*** that the Government once again has not replied to its previous observations. It once again recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***Referring to its previous observations, the Committee once again reiterates its request that the Government provide information on the submission to the Albanian Parliament of 25 instruments: the Protocol of 1995 to the Labour Inspection Convention, 1947, adopted by the Conference at its 82nd Session, the Promotion of Cooperatives Recommendation, 2002 (No. 193), the List of Occupational Diseases Recommendation, 2002 (No. 194), adopted by the Conference at its 90th Session, as well as the instruments adopted at the 78th, 84th, 86th, 89th, 92nd, 95th (Employment Relationship Recommendation, 2006 (No. 198)), 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (the Violence and Harassment Recommendation, 2019 (No. 206)). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, as well as the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted at the 111th Session of the Conference.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Angola

Serious failure to submit. The Committee notes that the Government has not replied to its previous comments. It recalls the information provided by the Government in 2023, according to which the 19 pending instruments were transmitted to the Ministry of Foreign Affairs on 29 May 2023. The Government further indicated that the instruments were discussed with the social partners in the framework of the tripartite National Commission of the International Labour Organization. However, no information was received regarding the submission of those instruments to the National Assembly. In this context, the Committee recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again reiterates its request that the Government provide the information required under article 19 of the ILO Constitution on the 19 instruments pending submission to the National Assembly. These are: the Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992 (No. 180), adopted by the Conference at its 79th Session; the Protocol of 1995 to the Labour Inspection Convention, 1947, adopted by the Conference at its 82nd Session; and the instruments adopted at the 86th, 91st, 92nd, 94th, 95th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions of the Conference (2003–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention***

(No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Antigua and Barbuda

Submission. The Committee notes with ***deep regret*** that the Government has yet again provided no reply to its 2018 direct request. It therefore recalls the information provided by the Government in April 2014 that the instruments adopted by the Conference from its 83rd to its 101st Sessions (1996–2012) were resubmitted by the Minister of Labour to the Cabinet of Antigua and Barbuda on 11 March 2014. It recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***In this context, the Committee reiterates once again its request that the Government specify the dates on which the 13 instruments adopted by the Conference from its 83rd to its 101st Sessions were submitted to the Parliament of Antigua and Barbuda. It also once again reiterates its request that the Government provide information on the submission to Parliament of the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), adopted by the Conference at its 103rd Session, the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), adopted by the Conference at its 104th Session, the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), adopted by the Conference at its 106th Session, and the Violence and Harassment Recommendation, 2019 (No. 206), adopted by the Conference at its 108th Session. The Committee also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

Bahamas

Submission. The Committee notes that the Government has not replied to its previous comments. The Committee recalls that in its previous comments it noted the information provided by the Government indicating that a draft report was prepared with technical assistance from the ILO Caribbean Office containing 24 instruments pending submission adopted by the Conference at 15 sessions held between 1997 and 2017. The Committee noted, however, that the report lacked information regarding the submission of the Violence and Harassment Recommendation, 2019 (No. 206). In this regard, the Committee recalled that the Recommendation is associated with Convention No. 190 and also needs to be submitted to the competent authority in the event of ratifying the said Convention. The Committee further noted the Government's indication that the report would be sent to Cabinet for approval prior to submission to the Parliament. ***The Committee once again expresses the hope that the Government will take the necessary measures to complete the submission process without delay. It once more requests the Government to provide information on the submission to Parliament of the 25 instruments adopted by the Conference at 15 sessions held between 1997 and 2019 (85th, 86th, 88th, 89th, 90th, 92nd, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation, (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

Bahrain

Serious failure to submit. The Committee recalls that, for more than 20 years, it has been requesting the Government to submit the instruments adopted by the International Labour Conference to the National Assembly in compliance with its obligation of submission pursuant to article 19 of the ILO Constitution. In this respect, it notes the information provided by the Government in its communication of 21 July 2024, in which it reiterates that it considers that: (i) Bahrain has complied with its constitutional obligation by submitting all the instruments adopted by the International Labour Conference between 2000 and 2019 to its Council of Ministers, as the authority considered competent for the purpose of article 19 of the ILO Constitution; and (ii) a new mechanism for submission of the instruments adopted by the Conference would require the revision of the Constitution of Bahrain and of a number of laws which regulate this aspect and which specify the mandate and powers of the Council of Ministers and the National Assembly. The Government further indicates that the international labour standards adopted by the Conference are brought to the knowledge of the public through: (i) the Council of Ministers which issues a general statement clarifying the decisions that it has taken with regard to the matters in its agenda; and (ii) the representatives of the employers' and workers' organizations participating in the Conference, who are responsible for informing all stakeholders at the domestic level.

The Committee understands that, in Bahrain, the Council of Ministers is considered the competent authority for the purpose of article 19 of the ILO Constitution as it is the authority competent to ratify a Convention or Protocol, as well as to decide on any other action which it may deem appropriate in respect of the instruments adopted by the Conference. It also understands that, pursuant to the Constitution of Bahrain, the Council of Representatives is the lower house of the Bahraini National Assembly. In this regard, the Committee emphasizes, however, that the obligation of ILO Member States to submit the instruments adopted by the Conference to the competent authority is of a different nature and does not imply any obligation to propose the ratification or application of the instruments in question, or to take any other specific action. Pursuant to article 19 of the ILO Constitution, Member States have complete freedom as to the nature of the proposals to be made, if any, when submitting the instruments (Memorandum concerning the obligation to submit Conventions and Recommendations to the competent authority, Part III(b)). This obligation is applicable even in cases where legislative power is vested in the executive by virtue of the Constitution of the Member State. As to the objective of submission, it is twofold: (1) to encourage ratification or application of instruments adopted by the Conference through submission to the competent authority empowered to consider ratification; and (2) to bring the instruments adopted by the Conference to the knowledge of the public through their submission to a parliamentary or deliberative body. In this respect, the Committee recalls once again that discussion in a deliberative assembly – or at a minimum transmission to a deliberative assembly of information concerning the instruments adopted by the International Labour Conference – is an essential component of the constitutional obligation to submit (2005 Memorandum, Part I(c) and Part II(c)).

In light of the above, while acknowledging the constitutional reasons that require the Government to regard the Council of Ministers as the competent authority for the purposes of article 19 of the ILO Constitution, the Committee suggests that, so as to fully comply with Bahrain's submission obligations as per article 19 of the ILO Constitution and in accordance with the Memorandum concerning the obligation to submit adopted by the Governing Body in 2005, that the Government also considers transmitting the instruments once reviewed by the Council of Ministers to the Council of Representatives for their information. ***The Committee requests the Government to provide information on any development in this regard.***

Moreover, as regards instruments on which no information has been provided so far, the Committee observes that the Government is yet to provide information regarding the submission of the instruments adopted by the Conference at its 111th Session (June 2023), namely the Safe and Healthy

Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208). ***In view of the above, the Committee once again expresses the hope that the Government will take urgent measures to further examine this matter in order to ensure full compliance with this obligation to submit, established in article 19 of the ILO Constitution, and that it will soon be in a position to report not only on the submission to the Council of Ministers of the 25 instruments adopted by the Conference at 14 sessions held between 2000 and 2019 (88th Session, 89th Session, 90th Session, 91st Session, 92nd Session, 94th Session, 95th Session, 96th Session, 99th Session, 100th Session, 101st Session, 103rd Session, 104th Session and 108th Session), but also on their transmission to a deliberative assembly such as the Council of Representatives. The Committee also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation (No. 208),2023, adopted by the Conference at its 111th Session.***

Belize

Serious failure to submit. The Committee notes once again with ***deep concern*** that the Government has provided no reply to its previous observations. In this context, it recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. The Committee expresses the firm hope, as did the Conference Committee in June 2017, June 2018, June 2019, June 2021, June 2022, June 2023, and June 2024 that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority (the National Assembly). ***The Committee therefore once again urges the Government to provide information on the submission to the National Assembly of the 43 pending instruments adopted by the Conference at 22 sessions held between 1990 and 2019. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session. In this regard, the Committee once again reminds the Government of the availability of ILO technical assistance in meeting its submission obligations.***

Plurinational State of Bolivia

Submission. The Committee notes with ***satisfaction*** the submission, on 1 November 2024, of 31 instruments adopted between the 80th Session (June 1993) and the 108th Session (June 2019) of the Conference. ***The Committee requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

Brunei Darussalam

Failure to submit. The Committee notes the information provided by the Government to the Conference Committee on the Application of Standards in June 2024, indicating that it has actively shared information on previously adopted international labour standards with relevant government agencies for their policy consideration and potential ratification. The Government indicates that, when an instrument is adopted by the Conference, it undergoes an initial review by the Labour Department and the Ministry of Home Affairs, and subsequently, the instrument is shared with the relevant ministries. These government agencies assess and determine the appropriate timeline to ratify ILO Conventions and implement the relevant obligations domestically. The Government adds that, as part of this process, the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the

Conference at its 111th Session, was circulated for policy consideration and its potential implementation.

Against this background, the Committee emphasizes that the obligation of ILO Member States to submit the instruments adopted by the Conference to the competent authorities does not imply any obligation to propose the ratification or application of the instruments in question, or to take any other specific action. Pursuant to article 19 of the ILO Constitution, Member States have complete freedom as to the nature of the proposals to be made, if any, when submitting the instruments (Memorandum concerning the obligation to submit Conventions and Recommendations to the competent authorities, adopted by the Governing Body in 2005, Part III(b)). Furthermore, the Committee recalls that, for the purposes of article 19 of the ILO Constitution, discussion in a deliberative assembly – or at a minimum transmission to a deliberative assembly of information concerning the instruments adopted by the International Labour Conference – is an essential component of the constitutional obligation to submit (2005 Memorandum, Part II(c)). The obligation to submit is twofold: (1) to encourage ratification or application of instruments adopted by the Conference through submission to the competent authority empowered to consider ratification; and (2) to bring the instruments adopted by the Conference to the knowledge of the public through their submission to a parliamentary or deliberative body (2005 Memorandum, Part I(a) and (c)). In this context, the Committee notes that the Government restates that it recognizes the need to identify the appropriate mechanisms and platforms at the national level to fulfil the obligation of submission. The Committee welcomes the fact that in February 2024 the Government received an ILO technical assistance mission in respect of this obligation, among other matters, and has since been engaging with the Office with a view to identifying the most appropriate forum, taking into account the national circumstances, to give effect to its constitutional obligation of submission, established in article 19 of the ILO Constitution. ***The Committee trusts that with the technical assistance of the Office, the Government will be in a position to identify the national authority or authorities best suited to give effect to the obligations assumed under the ILO Constitution and requests the Government to keep it informed of any developments in this respect.***

With regard to the instruments the submission of which is still pending, the Committee once again firmly urges the Government to provide information on the submission to the competent national authorities, within the meaning of article 19(5) and (6) of the ILO Constitution, of the 12 instruments adopted by the Conference at its 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2007–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

Chile

Submission. The Committee notes with ***regret*** that the Government once again has not provided a reply to its previous comments. In this context, it recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore reiterates once again its request that the Government provide information on the submission to the National Congress, indicating the dates of submission, of the remaining 25 instruments adopted at 16 sessions of the Conference between 1996 and 2017 (83rd, 84th, 85th, 86th, 88th, 89th, 90th, 91st, 92nd, 95th (the Employment Relationship Recommendation, 2006 (No. 198)), 96th, 99th, 101st, 103rd, 104th and 106th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may avail itself of the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Comoros

Failure to submit. The Committee notes with ***interest*** the ratification of the Maritime Labour Convention, 2006 (MLC, 2006) on 18 February 2024. However, it notes with ***deep concern*** that for more than ten years the Government has provided no information regarding its constitutional obligation on submission. In this context, the Committee recalls once more that this obligation is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once more expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022 and June 2023, that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority. It therefore once again firmly urges the Government to provide information on the submission to the Assembly of the Union of Comoros of the 44 instruments adopted by the Conference at the 22 sessions held between 1992 and 2019. In addition, it requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Congo

Failure to submit. The Committee notes the information provided by the Government in May 2024, indicating that by letter No. 00309/MFPTSS-CAB dated 16 October 2023, the Minister of State requested the Secretary General to submit to the National Assembly the following instruments adopted by the Conference between 2019 and 2023 at its 108th and 111th Sessions: the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019; as well as the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208). Moreover, by letter No. 00200/MFPTSS-CAB dated 27 May 2024, the Minister of State requested the Secretary General to submit to the National Assembly the following instruments adopted by the Conference between 1993 and 2017 at its 80th, 81st, 82nd, 83rd, 85th, 88th, 103rd, 104th and 106th Sessions: the Prevention of Major Industrial Accidents Convention, 1993 (No. 174); the Part-Time Work Convention, 1994 (No. 175); the Safety and Health in Mines Convention, 1995 (No. 176); the Home Work Convention, 1996 (No. 177); the Private Employment Agencies Convention, 1997 (No. 181); the Maternity Protection Convention, 2000 (No. 183); the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203); the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204); and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). The Committee observes, however, that the Government does not provide information on the date in which the Secretary General submitted those instruments to the competent authority, the National Assembly, as required by article 19 of the ILO Constitution. In addition, the Government does not provide information on the rest of the instruments pending submission. ***While acknowledging the efforts undertaken by the Government to comply with its constitutional obligation of submission, the Committee requests the Government to provide information on the date in which the Secretary General***

submitted to the National Assembly the above-mentioned 14 instruments pending submission, adopted by the Conference between 1993 and 2023. It also once again reiterates its request that the Government complete the submission procedure in relation to the 54 other pending Conventions, Recommendations and Protocols, adopted by the Conference between 1970 to 2014, which have not yet been submitted to the National Assembly, and to provide information in this regard.

The Committee reminds the Government of the continued availability of ILO technical assistance to meet its constitutional submission obligations.

Croatia

Submission. The Committee welcomes the information provided by the Government regarding the submission to the Croatian Parliament of the Maternity Protection Convention (No. 183) and Recommendation (No. 191), 2000, on 20 December 2023. The Committee notes, however, that there are still 19 instruments pending submission. In this context, it recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again urges the Government to provide information on the submission to the Croatian Parliament of the remaining 16 instruments adopted by the Conference at ten sessions held between 1998 and 2012 (86th, 88th, 89th, 90th, 92nd, 95th, 96th, 99th, 100th, and 101st Sessions). Additionally, it requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

Democratic Republic of the Congo

Submission. The Committee notes with ***satisfaction*** the information provided by the Government regarding the submission on 12 June 2023 to the National Assembly of the ten instruments adopted by the Conference between its 99th and 108th Sessions (2010–19). The Committee commends the efforts made by the Government with a view to fulfilling its constitutional obligation. The Committee observes, however, that the Government has not provided information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208). ***The Committee therefore requests the Government to provide information regarding the submission of the Convention No. 191 and its accompanying Recommendation No. 207 as well as the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session (June 2023).***

Dominica

Serious failure to submit. The Committee notes once again with ***deep concern*** that for more than 20 years the Government has not provided a reply to its comments. In this context, it once more recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023, and June 2024 that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority. The Committee therefore once again firmly urges the Government to provide information on the submission to the House of Assembly of the 43 instruments adopted by the Conference during 22 sessions held between 1993 and 2019 (80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 88th, 89th, 90th, 91st, 92nd, 94th, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention***

(No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

El Salvador

Submission. The Committee notes with ***regret*** that the Government has once again not replied to its previous comments. It therefore notes once more that 57 instruments remain pending submission to the Legislative Assembly. Moreover, the Committee observes that the three instruments adopted by the Conference at its 111th Session have also not been submitted, namely the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208). ***Therefore, the Committee again firmly urges the Government to submit to the Legislative Assembly the 57 instruments adopted at the 25 sessions of the Conference held between October 1976 and June 2019. It also requests the Government to provide information on the submission of Convention No. 191, Recommendation No. 207 and Recommendation No. 208, adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Equatorial Guinea

Serious failure to submit. The Committee notes the information provided by the Government to the Conference Committee on the Application of Standards in June 2024, where it indicated generally that 22 Conventions, 2 Protocols and 18 Recommendations were submitted in August 2019 to the Government. The Committee observes, however, that the Government does not provide information on the submission of the pending instruments to the Parliament. In this context, the Committee recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023, and June 2024, that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority, the Parliament. Accordingly, the Committee once again firmly urges the Government to provide information on the submission to Parliament of the 37 instruments adopted by the Conference between 1993 and 2019. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee reminds the Government of the availability of ILO technical assistance to meet its constitutional obligation of submission.

Gabon

Serious failure to submit. The Committee notes with ***deep concern*** that for more than ten years the Government has provided no reply to its comments. In this context, it recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of

the standards system of the ILO. ***The Committee firmly expects that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority. The Committee therefore once again firmly urges the Government to provide information concerning the submission to Parliament of the 27 instruments adopted at the 82nd, 83rd, 85th, 86th, 88th, 89th, 90th, 92nd, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions of the Conference. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Gambia

Serious failure to submit. The Committee notes with ***deep concern*** that for more than ten years the Government has provided no reply to its comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee firmly expects that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority. The Committee therefore once again firmly urges the Government to provide information concerning the submission to Parliament of the ten instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2010–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Grenada

Serious failure to submit. The Committee notes with ***deep concern*** that for more than ten years the Government has provided no response to its comments. The Committee recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again urges the Government to communicate the date on which the instruments adopted by the Conference between 1994 and 2006 were submitted to the Parliament of Grenada and to provide information on the decisions taken by the Parliament, if any, in relation to the instruments submitted. The Committee also once again urges the Government to provide information on the submission to Parliament of the 11 instruments adopted at the 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions of the Conference (2007–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee reminds the Government of the availability of ILO technical assistance to meet its constitutional obligation of submission.

Guinea

Failure to submit. The Committee notes with ***deep concern*** that the Government has yet again provided no response to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again firmly urges the Government to provide information regarding the submission to the National Assembly of the 31 instruments adopted at 17 sessions held by the Conference between 1996 and 2019 (84th, 85th, 86th, 88th, 89th, 90th, 91st, 92nd, 94th, 95th, 96th, 99th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Guinea-Bissau

Submission. The Committee notes with ***deep concern*** that the Government has yet again provided no response to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again urges the Government to provide information on the submission to the Assembly of the Republic of the 21 remaining instruments adopted by the Conference at its 89th, 90th, 91st, 92nd, 95th, 96th, 99th, 100th, 101st, 103rd, 104th and 108th Sessions (2001–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again reminds the Government of the availability of ILO technical assistance to meet its constitutional obligation of submission.

Guyana

Failure to submit. The Committee notes with ***deep concern*** that the Government has yet again provided no response to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again reiterates its request that the Government provide information on the submission to the Parliament of Guyana of the ten instruments adopted by the Conference at its 96th, 99th, 101st, 103rd, 104th, 106th and 108th Sessions. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again reminds the Government of the availability of ILO technical assistance to meet its constitutional obligation of submission.

Haiti

Serious failure to submit. The Committee notes once again with ***deep concern*** that for more than ten years the Government has provided no response to its comments. It again recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023 and June 2024 that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority (the National Assembly). The Committee therefore once again firmly urges the Government to provide information with regard to the submission to the National Assembly of the following 65 instruments:***

- ***the remaining instruments from the 67th Session (Conventions Nos 154 and 155, and Recommendations Nos 163 and 164);***
- ***the instruments adopted at the 68th Session;***
- ***the remaining instruments adopted at the 75th Session (Convention No. 168, and Recommendations Nos 175 and 176); and***
- ***the instruments adopted at 26 sessions of the Conference held between 1989 and 2019.***

In addition, the Committee requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

The Committee once again reminds the Government of the availability of ILO technical assistance to assist it in meeting its constitutional obligation of submission.

Hungary

Serious failure to submit. The Committee notes with ***deep concern*** that the Government has yet not responded to its 2014 comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee accordingly once again reiterates its request that the Government provide information on the submission to the National Assembly of the ten instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2010–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Iraq

Failure to submit. The Committee notes the information provided by the Government indicating that the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) was submitted to the competent authority. With regard to the Violence and Harassment Convention, 2019 (No. 190), the Government informs of the issuance of the Council of Ministers Decision No. 24015 of 2024, which includes referring Convention No. 190 to the Council of Representatives for the act of accession to the Convention to be issued. It also notes that, in March 2017, the Government had supplied information indicating that the Protocol of 2014 to the Forced Labour Convention, 1930, was

submitted to the competent authority. The Committee requests the Government to provide information on the date in which the abovementioned instruments were submitted to the Council of Representatives (Majlis Al-Nuwaab).

With respect to the submissions pending as regards Recommendations adopted by the Conference, the Committee notes the Government's indication that the Quality Apprenticeships Recommendation, 2023 (No. 208) was submitted to the Ministry of Labour and Social Affairs. It also notes that, in November 2017, the Government had informed about the dates of submission to the Council of Representatives of all the instruments adopted by the Conference at its 88th, 90th, 92nd, 95th, 96th, 99th, 100th and 101st Sessions (2000–12). From among these instruments, while the Recommendations had been submitted to the Council of Representatives, they were not examined and were instead transmitted to the Ministry of Labour and Social Affairs which, the Government considers to be the competent authority with respect to Recommendations. The Committee wishes to point out that having all international labour standards adopted by the Conference, including Recommendations, brought before a deliberative body for discussion (such as the Council of Representatives), as envisaged by the 2005 Memorandum concerning the obligation to submit Conventions and Recommendations to the competent authorities (Part II(c)), would add the value of parliamentary debate and proceedings in considering whether any action should be taken at the national level in the respective area.

In this context, the Committee notes that the Government has requested technical assistance from the Office for advice on national legislation concerning the 12 instruments pending submission adopted by the Conference between 2000 and 2015, as well as the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). ***The Committee trusts that the requested technical assistance will take place as soon as possible. It requests the Government to provide information on any developments in this respect, including measures taken with a view to submitting the above-mentioned 12 instruments also to the Council of Representatives for its information and, where applicable, action or recommendation, even if as indicated by the Government the authority to take or approve any measures may lie with the Council of Ministers. In addition, the Committee once again requests the Government to provide information on the submission to the Council of Representatives of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019. Lastly, the Committee requests the Government to provide information on the submission to the Council of Representatives of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208).***

Kuwait

Failure to submit. The Committee notes the information provided by the Government in August 2024, according to which the Minister of Commerce and Industry sent a letter on 2 August 2021 requesting the Minister of State for National Assembly Affairs to submit to the National Assembly (Majlis-Al Ummah) the instruments adopted by the Conference at its 77th, 80th, 86th, 89th, 92nd, 94th, 95th, 96th, 99th, 100th, 101st and 103rd Sessions. The Government indicates that it is not in a position to provide the actual date in which the instruments will be effectively submitted to the National Assembly, as this does not fall within its competencies. It adds that it will inform the Committee of the date on which these instruments will be examined by the National Assembly as soon as this takes place. The Government further indicates that the instruments pending submission adopted at subsequent Sessions of the Conference will be submitted to the Council of Ministers, since it is currently the competent authority until the amendments of the Constitution are finalized and a new National Assembly is elected. ***In light of the above, the Committee reiterates its request that the Government specify, as soon as it is in a position to do so, the date of submission to the National Assembly of the***

instruments adopted by the Conference: the Chemicals Convention (No. 170) and Recommendation (No. 177), 1990, the Night Work Convention, (No. 171) and Recommendation (No. 178), 1990, and the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 at its 77th Session; the Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181) adopted by the Conference at its 80th Session; the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189) adopted by the Conference at its 86th Session; and the Safety and Health in Agriculture Convention, (No. 184) and Recommendation (No. 192), 2001, adopted by the Conference at its 89th Session. It also reiterates its request that the Government provide information on the submission of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), adopted by the Conference at its 106th Session, as well as the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, adopted by the Conference at its 108th Session. The Committee further requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

Kyrgyzstan

Failure to submit. The Committee notes with ***interest*** Kyrgyzstan's ratification of the Violence and Harassment Convention, 2019 (No. 190), on 3 June 2024. At the same time, the Committee notes with ***deep concern*** that the Government has once again failed to reply to its previous comments. The Committee therefore refers yet again to the comments it has been formulating since 1994, and recalls that, under article 19 of the ILO Constitution, every Member undertakes to bring the instruments adopted by the International Labour Conference before the authority or authorities within whose competence the matter lies for their information and action, as deemed appropriate. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again firmly urges the Government to provide information on the submission to the competent national authority of the 42 instruments adopted by the Conference at the 22 sessions held from 1992 to 2019. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee reminds the Government that it may request the technical assistance of the Office, if it so wishes, to assist it in overcoming this serious delay and in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Lebanon

Serious failure to submit. The Committee notes that the Government has not responded to its previous comments in which it urged the Government to indicate the date on which several instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th and 106th Sessions (2010–17) have been submitted to the National Assembly (Majlis Al Nuwwab). Furthermore, the Government has not replied to Committee's previous comments, in which it requested the Government to provide information on the submission of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, adopted by the Conference at its 108th Session (2019). ***The Committee therefore again refers to its previous comments and urges the Government indicate the date on which instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th and 106th Sessions (2010–17) were submitted to the National Assembly (Majlis Al Nuwwab), and to provide information on the submission of the Violence and Harassment Convention (No. 190) and***

Recommendation (No. 206), 2019. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Liberia

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has provided no response to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again expresses the firm hope, as did the Conference Committee in 2017, 2018, 2019, 2021, 2022, 2023, and 2024 that the Government will comply with its obligation to submit adopted Conventions, Recommendations and Protocols to the competent authority. It urges the Government to provide information without further delay on the submission to the National Legislature of the 28 instruments adopted by the Conference at its 77th, 82nd, 88th, 89th, 90th, 92nd, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th, 108th and 111th Sessions.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Libya

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has yet again provided no reply to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023, and June 2024 that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authorities. The Committee therefore urges the Government provide information without further delay on the submission to the competent national authorities (within the meaning of article 19(5) and (6) of the ILO Constitution) of the 37 Conventions, Recommendations and Protocols adopted by the Conference at the 19 sessions held between 1996 and 2019. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Malawi

Failure to submit. The Committee notes with ***concern*** that the Government has provided no reply to its previous comments. It once more recalls the information provided by the Government concerning

the submission to the President on 12 December 2018 of the HIV and AIDS Recommendation, 2010 (No. 200), adopted by the Conference at its 99th Session, the Domestic Workers Convention, 2011 (No. 189), adopted by the Conference at its 100th Session, the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), adopted by the Conference at its 103rd Session, and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), adopted by the Conference at its 104th Session. In addition, the Government indicated that the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), was submitted to the competent authority. The Government has not provided information on the submission of the instruments adopted by the Conference at its 108th and 111th Sessions (2019 and 2023). The Committee once again recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. While recalling the Government's indication that the President is a member of the Parliament, the Committee wishes to reiterate that the obligation of submission cannot be considered to have been fulfilled until the instruments adopted by the Conference have been submitted to the national competent authority which needs to be a deliberative body, such as the legislature. ***The Committee therefore once again requests that the Government provide information on the submission to Parliament, and the dates of submission, of the 9 instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th, 106th, 108th, and 111th Sessions (2010–2019). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023 and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Malaysia

Failure to submit. The Committee notes with ***regret*** that the Government has not provided information in response to the Committee's previous comments with respect to the submission of pending instruments. The Committee therefore once again recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again reiterates its request that the Government provide information on the submission (including the date or dates of submission) to the Parliament of Malaysia of the 15 instruments adopted by the Conference at its 95th (Employment Relationship Recommendation, 2006 (No. 198), 96th, 99th, 100th, 101st, 103rd, 104th, 106th, 108th, and 111th Sessions (2006–2019). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Malta

Submission. The Committee notes that the Government has once again not responded to the Committee's previous comments with respect to the submission of pending instruments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental

element of the standards system of the ILO. ***The Committee therefore reiterates its request that the Government provide information on the submission to the House of Representatives of the ten instruments adopted by the Conference at its 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2007–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Mozambique

Submission. The Committee welcomes the information provided by the Government concerning the submission to the Assembly of the Republic of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), on 29 December 2023. While the Committee notes the efforts made by the Government to comply with its submission obligation, it nevertheless notes that the Government has not provided information regarding the submission of the following seven instruments adopted by the Conference: the Home Work Convention (No. 177) and its Recommendation (No. 184), 1996, adopted by the Conference at its 83rd Session, the Seafarers' Identity Documents Convention (Revised) (No. 185), 2003, as amended, adopted by the Conference at its 91st Session, the Violence and Harassment Recommendation (No. 206), 2019, adopted by the Conference at its 108th Session and the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session. The Committee recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore requests that the Government provide information on the submission to the Assembly of the Republic of the seven above-mentioned instruments.***

Nepal

Submission. The Committee notes with ***satisfaction*** the information provided by the Government regarding the submission to Parliament on 20 October 2024 of the six instruments adopted at the 103rd, 104th, 106th and 108th Sessions of the Conference as well the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023. and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session. ***The Committee commends the efforts made by the Government in fully meeting its constitutional obligation of submission.***

North Macedonia

Submission. The Committee notes with ***satisfaction*** the information provided by the Government regarding the submission of 29 instruments (Conventions, Recommendations and Protocols) adopted by the Conference at 16 sessions held from 1996 to 2019, as well as the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session. ***The Committee commends the efforts made by the Government in fully meeting its constitutional obligation of submission.***

Oman

Serious failure to submit. The Committee notes with ***regret*** that the Government has once again not provided information in response to the Committee's previous comments. The Committee recalls the information provided by the Government in August 2022, in which it reiterated that the instruments adopted by the Conference at its 95th, 96th, 100th, 101st, 103rd and 104th Sessions were submitted to the competent authorities, indicating the dates of submission of the instruments concerned. However, the Government did not indicate the authorities to which the instruments were submitted. ***The Committee therefore reiterates its request that the Government provide updated information indicating whether and on what dates the 12 instruments adopted by the Conference at its 94th, 95th (the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)), 96th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions were submitted to the Consultative Council (Majles Al'Shura). The Committee trusts that the Government will provide this information without further delay. In addition, the Committee requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Palau

Failure to submit. The Committee notes with ***deep regret*** that the Government has once again not replied to its previous comments. It recalls yet again that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee accordingly reiterates its request that the Government provide information on the submission to the competent national authorities of the seven instruments adopted by the Conference since Palau became a Member of the ILO in 2012, at the following sessions: 101st, 103rd, 104th, 106th and 108th Sessions (2012–19). The Committee trusts that the Government will provide the information requested without further delay. In addition, it requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207,) 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls once more that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution relating to the submission of the instruments adopted by the Conference to the competent national authorities.

Papua New Guinea

Submission. The Committee notes with ***interest*** the ratification of the Violence and Harassment Convention, 2019 (No. 190) on 27 September 2023. The Committee notes however with ***deep concern*** that the Government has provided no response to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023 and June 2024, that the Government will comply with its obligation to submit adopted Conventions, Recommendations and Protocols to the competent authority. The Committee firmly urges***

the Government to submit to the National Parliament the 23 instruments adopted by the Conference at the 15 sessions held between 2000 and 2019. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Paraguay

Submission. The Committee notes with ***satisfaction*** the information provided by the Government regarding the submission, on 27 September 2017, to the National Congress of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), as well as the submission to the Senate, on 19 June 2024, of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019; the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023; and the Quality Apprenticeships Recommendation, 2023 (No. 208). ***The Committee commends the efforts made by the Government in fully meeting its constitutional obligation of submission.***

Republic of Moldova

Submission. The Committee notes with ***interest*** the ratification of the Violence and Harassment Convention, 2019 (No. 190), on 19 March 2024. The Committee once again notes with ***deep concern*** that the Government has again provided no reply to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again reiterates its request that the Government provide information on the submission to Parliament of the 13 instruments adopted by the Conference at its 92nd, 94th, 95th (Recommendation No. 198), 96th, 99th, 100th, 101st, 103rd, 106th, and 108th Sessions. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023 and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls once more that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Rwanda

Submission. Date of submission. The Committee notes with ***interest*** the ratification of the Violence and Harassment Convention, 2019 (No. 190), on 1 November 2023. The Committee notes, however, with ***deep concern*** that the Government has once again provided no response to its previous comments. The Committee observes that there are 40 instruments still pending submission and that the Government has not communicated any new information in this respect since the information provided orally to the Conference Committee on the Application of Standards in 2016 and 2017, informing about the existence of a letter addressed to the Prime Minister's Office requesting submission of the instruments adopted between 1993 and 2012. In this regard, it recalls yet again that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the

ILO. ***Therefore, the Committee once more firmly urges the Government to provide information on the date of submission to the National Assembly of the 37 Conventions, Recommendations and Protocols adopted by the Conference at 20 sessions held between 1993 and 2019 (80th, 82nd, 83rd, 84th, 86th, 88th, 89th, 90th, 91st, 92nd, 94th, 95th (Recommendation No. 198), 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls once again that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Saint Kitts and Nevis

Serious failure to submit. The Committee notes with ***regret*** that the Government has failed to reply to its previous comments. ***The Committee therefore once again expresses the firm hope, as did the Conference Committee in June 2017, June 2018, June 2019, June 2021, June 2022, June 2023 and June 2024 that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority. The Committee therefore urges the Government to provide information on the submission to the National Assembly of the 29 instruments adopted by the Conference at the 17 sessions held between 1996 and 2019 (83rd, 85th, 86th, 88th, 89th, 90th, 91st, 92nd, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls once again that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Saint Lucia

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has provided no response to its previous comments. It recalls once again that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023 and June 2024 that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority. It firmly urges the Government to provide information on the submission to Parliament of the 79 remaining Conventions, Recommendations and Protocols adopted by the Conference from 1980 to 2023 (66th, 67th (Convention No. 156 and Recommendations Nos 164 and 165), 68th (Convention No. 157 and Protocol of 1982), 69th, 70th, 71st, 72nd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 88th, 89th, 90th (Recommendations Nos 193 and 194), 91st, 92nd, 94th, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Saint Vincent and the Grenadines

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has yet again failed to reply to its previous comments. It recalls once again that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again expresses the firm hope, as did the Conference Committee in June 2017, June 2018, June 2019, June 2021, June 2022, June 2023 and June 2024 that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority (the House of Assembly). It firmly urges the Government to provide information on the submission to the House of Assembly of the 31 instruments (Conventions, Recommendations and Protocols) adopted by the Conference at 17 sessions held from 1995 to 2019 (82nd, 83rd, 85th, 88th, 89th, 90th, 91st, 92nd, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Sierra Leone

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has failed to reply to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again firmly urges the Government to provide information on the submission to the Parliament of the instruments adopted by the Conference in October 1976 (Convention No. 146 and Recommendation No. 154, adopted at its 62nd Session), and all instruments adopted between 1977 and 2019 that have not been submitted. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session. The Government is firmly urged to take steps without delay to submit all 96 pending instruments to the Parliament.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Solomon Islands

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has provided no response to its previous comments. It therefore recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards

system of the ILO. ***The Committee once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023 and June 2024, that the Government will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority (the National Parliament). The Committee firmly urges the Government to take steps without delay to submit to the National Congress the 65 pending instruments adopted by the Conference between 1984 and 2019 to comply with its constitutional obligations under article 19 of the ILO Constitution and provide the required information. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Somalia

Submission. The Committee notes once again with ***concern*** that the Government has not provided a reply to its 2018 observations. It recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee once again firmly urges the Government to take steps without delay to submit to the competent national authority the 51 instruments adopted by the Conference between 1989 and 2019 which are still pending submission and to provide the information required under article 19 of the ILO Constitution. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may avail itself of the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Syrian Arab Republic

Serious failure to submit. The Committee notes with ***deep concern*** that the Government has yet again failed to reply to its previous comments. It once again recalls the Government's indications in September 2015 that the Consultative Council for Consultation and Social Dialogue held discussions related to the submission of the instruments adopted by the Conference to the competent authorities. The Committee further notes that 44 instruments adopted by the Conference are still pending submission to the People's Council. In this context, the Committee recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again expresses the firm hope, as did the Conference Committee in June 2018, June 2019, June 2021, June 2022, June 2023 and June 2024 , that the Government will comply with its constitutional obligation of submission and provide information on the submission to the People's Council of the 41 instruments adopted by the Conference at its 66th and 69th Sessions (Recommendations Nos 167 and 168) and at its 70th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 85th, 86th, 90th (Recommendations Nos 193 and 194), 91st, 92nd, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments)***

Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session. The Committee once again firmly urges the Government to take steps to submit the pending instruments without delay.

The Committee once again recalls that the Government may avail itself of the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Timor-Leste

Serious failure to submit. The Committee notes with ***concern*** that the Government has not replied to its previous comments. It once more recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again reiterates its request that the Government provide information on the submission to the National Parliament of the ten instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2010–2019). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls once again that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Tuvalu

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has provided no response to its previous comments. It recalls once more that Tuvalu became a Member of the Organization on 27 May 2008. The Committee once more recalls that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee firmly trusts that the Government will take steps to submit without delay the ten instruments adopted by the Conference between 2010 and 2019 and provide the information required under article 19 of the ILO Constitution to the Office. It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

In this context, the Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution relating to the submission of the instruments adopted by the Conference to the competent authorities.

United Arab Emirates

Serious failure to submit. The Committee notes that the Government has provided no reply to its previous comments. It recalls the information provided by the Government in 2023 indicating that the ratification of international conventions and treaties in the United Arab Emirates is subject to national regulations requiring the examination by all national authorities regarding the identification of the State's obligations arising from ratification, for their submission to the competent authority. The Government informed that the purpose of this examination is to enable the Government to decide whether to ratify an instrument. In 2023, the Committee noted the Government's indication that the

11 instruments adopted by the Conference at its 94th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions had been submitted. It nevertheless noted that there was no indication in the Government's communication of the competent authorities to which the instruments had been submitted, or of the dates of such submission.

In this context, the Committee recalls once again that, when a State decides to become a Member of the Organization it accepts to fulfil the obligations established in the Constitution, such as the obligation to submit to the competent authorities the instruments adopted at the Conference. It emphasizes, however, that the obligation of ILO Member States to submit the instruments adopted by the Conference to the competent authorities does not imply any obligation to propose the ratification or application of the instruments in question, or to take any other specific action. Pursuant to article 19 of the ILO Constitution, Member States have complete freedom as to the nature of the proposals to be made, if any, when submitting the instruments. Submission does not imply any obligation to propose the ratification of a Convention or Protocol, nor does it imply the application of one or more of the principles set out in an unratified Convention or a Recommendation. In this respect, the Committee once again draws the attention of the Government to the 2005 Memorandum concerning the obligation to submit Conventions and Recommendations to the competent authorities, adopted by the Governing Body in 2005, particularly Part I on the aims and objectives of submission.

The Committee understands that, in the United Arab Emirates, instruments adopted by the Conference are submitted to the Council of Ministers as the authority competent to ratify a Convention or Protocol, as well as to decide on any other action which it may deem appropriate in respect of the instruments adopted by the Conference (2005 Memorandum, Part I(b)). The Committee nevertheless recalls that, for the purposes of article 19 of the ILO Constitution, discussion in a deliberative assembly – or at a minimum, transmission to a deliberative assembly of information concerning the instruments adopted by the International Labour Conference – is an essential component of the constitutional obligation to submit, as indicated in the 2005 Memorandum (2005 Memorandum, Part I(c) and Part II(c)). This obligation is applicable even in cases where legislative power is vested in the executive by virtue of the Constitution of the Member State. The objective of submission is twofold: (1) to encourage ratification or application of instruments adopted by the Conference through submission to the competent authority empowered to consider ratification; and (2) to bring the instruments adopted by the Conference to the knowledge of the public through their submission to a parliamentary or deliberative body. Given the importance of the latter objective, the Committee has noted that, even in the absence of a parliamentary body, informing a consultative body makes it possible to carry out a full examination of the instruments, ensuring that they are widely disseminated among the public, which is one of the purposes of the obligation of submission (2005 Memorandum, Part II(d)).

The Committee therefore once again expresses the hope that the Government will take urgent measures to further examine this matter in order to ensure full compliance with this twofold obligation to submit, established in article 19 of the ILO Constitution, and that it will soon be in a position to provide information on the submission to a deliberative assembly, such as the Federal National Council (Majlis Watani Ittihadi), of the 11 instruments adopted by the Conference at its 94th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2006, 2010–19). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.

Vanuatu

Serious failure to submit. The Committee once again notes with ***deep concern*** that the Government has provided no reply to its previous comments. It recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of

the ILO. ***The Committee once again expresses the firm hope, as did the Conference Committee in June 2016, June 2017, June 2018, June 2019, June 2021, June 2022, June 2023, and June 2024 that the Government will comply with its constitutional obligation to submit Conventions, Recommendations and Protocols to the competent authority (the Parliament of Vanuatu). The Committee firmly urges the Government to provide information on the submission to the Parliament of Vanuatu of the 18 instruments adopted by the Conference at 12 sessions held between 2003 and 2019 (91st, 92nd, 94th, 95th, 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Yemen

Serious failure to submit. The Committee notes with ***regret*** that the Government has not provided information in reply to its previous comments. It recalls the Government's communication dated 28 March 2023, in which it indicated that it had not been able to submit the instruments pending submission to the competent authorities, but that the Ministry of Labour would initiate consultations with the social partners in this respect. ***While noting the complex situation in the country, particularly the ongoing conflict, the Committee trusts that, when national circumstances permit, the Government will be in a position to provide information on the submission to the House of Representatives of the 21 instruments adopted by the Conference at its 88th (Maternity Protection Recommendation, 2000 (No. 191)), 89th (Safety and Health in Agriculture Recommendation, 2001 (No. 192)), 90th, 92nd (Human Resources Development Recommendation, 2004 (No. 195)), 94th, 95th (Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197) and the Employment Relationship Recommendation, 2006 (No. 198)), 96th, 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2000–2019). It also requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session.***

The Committee recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Zambia

Serious failure to submit. Date of submission. Consultation. The Committee notes that the Government has not provided information in reply to its previous comments. It recalls the information provided by the Government to the Conference Committee on the Application of Standards in June 2023, indicating that it has begun the process of ratification and submission of the ten instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions. The Government reported that the 2014 Protocol to the Forced Labour Convention, 1930, the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention (No. 190) and its Recommendation (No. 206), 2019, had been reviewed by the Tripartite Consultative Labour Council (TCLC), which recommended their ratification. The Government also informed that the HIV and AIDS Recommendation, 2010 (No. 200), the Social Protection Floors Recommendation, 2012 (No. 202), the

Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), were in the process of being submitted to the Cabinet for information.

In addition, the Committee noted that the Government did not provide information regarding the submission of the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), or the Domestic Workers Recommendation, 2011 (No. 201). Lastly, the Committee noted that the Government had yet again provided no reply to its previous comments with respect to the information provided by the Government in September 2010, indicating that 12 instruments adopted by the Conference from 1996 to 2007 had been submitted to the National Assembly, but without specifying the date of submission. Moreover, the Government did not respond to the Committee's previous request for information concerning any action taken by the National Assembly with regard to the 12 instruments referenced, nor did it provide information regarding prior tripartite consultations. In this context, the Committee recalls once more that the constitutional obligation of submission is of the highest importance and is a fundamental element of the standards system of the ILO. ***The Committee therefore once again reiterates its request that the Government indicate the dates on which the 12 instruments adopted by the Conference from 1996 to 2007 were submitted to the National Assembly. In addition, the Committee reiterates its request that the Government provide information on the submission to the National Assembly of the ten instruments (Conventions, Recommendations and the Protocol) adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2010–2019). Lastly, it requests the Government to provide information on the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session. The Committee expresses the hope that the Government will provide the information requested without further delay.***

The Committee once again recalls that the Government may request the technical assistance of the Office, if it so wishes, to assist it in achieving compliance with its obligations under article 19 of the ILO Constitution with respect to the submission to the competent authorities of the instruments adopted by the Conference.

Direct request

In addition, requests regarding certain matters are being addressed directly to the following States: *Afghanistan, Algeria, Argentina, Armenia, Austria, Bangladesh, Barbados, Belarus, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cameroon, Canada, Central African Republic, Chad, China, Colombia, Cook Islands, Costa Rica, Cuba, Cyprus, Côte d'Ivoire, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jordan, Kazakhstan, Kenya, Kiribati, Lao People's Democratic Republic, Lesotho, Luxembourg, Madagascar, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Myanmar, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Singapore, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Tajikistan, Thailand, Tonga, Tunisia, Turkmenistan, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.*

Appendices

Appendix I. Reports requested on ratified Conventions registered as at 7 December 24
(articles 22 and 35 of the Constitution)

Article 22 of the Constitution of the International Labour Organization provides that "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 the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request". Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of article 22, and that each Member shall communicate copies of these reports to the representative organizations of employers and workers.

At its 204th Session (November 1977), the Governing Body approved the following arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under articles 22 and 35 of the Constitution:

(a) the practice of tabular classification of reports, without summary of their contents, which has been followed for several years in respect of reports subsequent to first reports after ratification, should be applied to all reports, including first reports;

(b) the Director-General should make available, for consultation at the Conference, the original texts of all reports received on ratified Conventions; in addition, photocopies of the reports should be supplied on request to members of delegations.

At its 267th Session (November 1996), the Governing Body approved new measures for rationalization and simplification.

Reports received under articles 22 and 35 of the Constitution appear in simplified form in a table annexed to the report of the Committee of Experts on the Application of Conventions and Recommendations; first reports are indicated in parentheses.

Requests for consultation or copies of reports may be addressed to the secretariat of the Committee on the Application of Standards.

Appendix I. Reports requested on ratified Conventions

(articles 22 and 35 of the Constitution)

List of reports registered as at 7 December 2024 and of reports not received

Note: First reports are indicated in parentheses.

Afghanistan — **10 reports requested**

· No reports received: Conventions Nos. 105, 111, 137, 138, 140, 141, 142, 144, 159, 182

Albania — **13 reports requested**

All reports received: Conventions Nos. 29, 77, 78, 81, 88, 105, 122, 129, 138, 181, 182, 185, (190)

Algeria — **11 reports requested**

All reports received: Conventions Nos. 29, 87, 88, 94, 98, 105, 122, 138, 142, 181, 182

Angola — **6 reports requested**

All reports received: Conventions Nos. 29, 87, 88, 105, 138, 182

Antigua and Barbuda — **28 reports requested**

· 2 reports received: Conventions Nos. MLC, 2006, (189)
· 26 reports not received: Conventions Nos. 11, 29, 81, 87, 94, 98, 100, 105, 111, 122, 135, 138, 142, 144, 151, 154, 158, (177), (181), 182, (183), (184), (185), (187), (188), (190)

Argentina — **9 reports requested**

All reports received: Conventions Nos. 2, 29, 88, 96, 105, 138, 142, 159, 182

Armenia — **6 reports requested**

· 4 reports received: Conventions Nos. 29, 94, 138, 182
· 2 reports not received: Conventions Nos. 105, 122

Australia — **8 reports requested**

All reports received: Conventions Nos. 29, 88, 105, 122, 142, 158, 159, 182

Austria — **8 reports requested**

All reports received: Conventions Nos. 29, 88, 94, 105, 122, 138, 142, 182

Azerbaijan — **13 reports requested**

All reports received: Conventions Nos. 29, 81, 87, 88, 98, 105, 122, 129, 138, 140, 142, 159, 182

Bahamas — **15 reports requested**

All reports received: Conventions Nos. 29, 81, 87, 88, 94, 98, 105, 117, 138, 144, (159), 182, 185, MLC, 2006, (190)

Bahrain — **5 reports requested**

All reports received: Conventions Nos. 29, 105, 138, 159, 182

Bangladesh — **7 reports requested**

· 6 reports received: Conventions Nos. 29, 81, 96, 105, 107, 182
· 1 report not received: Convention No. (138)

Barbados — **16 reports requested**

· No reports received: Conventions Nos. 29, 81, 87, 90, 94, 98, 105, 108, 122, 135, 138, 144, 172, 182, MLC, 2006, (190)

Belarus — **9 reports requested**

All reports received: Conventions Nos. 29, 87, 88, 98, 105, 122, 138, 142, 182

Belgium — **11 reports requested**

All reports received: Conventions Nos. 29, 82, 88, 94, 105, 122, 138, 140, 159, 181, 182

Belize — **10 reports requested**

· No reports received: Conventions Nos. 29, 87, 88, 94, 98, 105, 138, 140, 182, MLC, 2006

Benin — **5 reports requested**

All reports received: Conventions Nos. 29, 105, 138, 143, 182

Bolivia (Plurinational State of) — **12 reports requested**

All reports received: Conventions Nos. 29, 88, 96, 105, 117, 122, 136, 138, 159, 162, 167, 182

Bosnia and Herzegovina — **12 reports requested**

All reports received: Conventions Nos. 29, 88, 94, 105, 122, 138, 140, 142, 158, 159, 181, 182

Botswana — **6 reports requested**

All reports received: Conventions Nos. 29, (81), 105, (129), 138, 182

Brazil — **14 reports requested**

· 13 reports received: Conventions Nos. 29, 88, 94, 105, 117, 122, 125, 138, 142, 159, 169, 182, 185
· 1 report not received: Convention No. 140

Brunei Darussalam — **2 reports requested**

· No reports received: Conventions Nos. 138, 182

Bulgaria — **7 reports requested**

All reports received: Conventions Nos. 29, 94, 105, 122, 138, 181, 182

Burkina Faso — **7 reports requested**

All reports received: Conventions Nos. 29, 105, 122, 138, 142, 159, 182

Burundi — **6 reports requested**

· No reports received: Conventions Nos. 27, 29, 94, 105, 138, 182

Cabo Verde — **4 reports requested**

All reports received: Conventions Nos. 29, 105, 138, 182

Cambodia — **8 reports requested**

All reports received: Conventions Nos. 6, 29, 87, 98, 105, 122, 138, 182

Cameroon — **8 reports requested**

All reports received: Conventions Nos. 29, 77, 78, 90, 105, 122, 138, 182

Canada — **5 reports requested**

All reports received: Conventions Nos. 29, 105, 122, 138, 182

Central African Republic — **12 reports requested**

· 11 reports received: Conventions Nos. 6, 11, 18, 19, 29, 100, 105, 111, 122, 138, 182
· 1 report not received: Convention No. (190)

Chad — **9 reports requested**

All reports received: Conventions Nos. 6, 26, 29, 102, 105, 122, 138, 173, 182

Chile — **7 reports requested**

All reports received: Conventions Nos. 6, 29, 105, 122, 138, 182, MLC, 2006

China — **5 reports requested**

All reports received: Conventions Nos. (29), (105), 122, 138, 182

China - Hong Kong Special Administrative Region — **7 reports requested**

All reports received: Conventions Nos. 29, 90, 105, 122, 124, 138, 182

China - Macau Special Administrative Region — **6 reports requested**

All reports received: Conventions Nos. 6, 29, 105, 122, 138, 182

Colombia — **5 reports requested**

All reports received: Conventions Nos. 6, 29, 105, 138, 182

Comoros — **30 reports requested**

· No reports received: Conventions Nos. 1, 6, 11, 12, 13, 14, 19, 26, 29, 52, 77, 78, 81, 87, 89, 95, (97), 98, 99, 100, 101, (102), 105, 106, 111, 122, 138, (143), 144, 182

Congo — **15 reports requested**

· 3 reports received: Conventions Nos. 29, 138, 182
· 12 reports not received: Conventions Nos. 6, 11, 13, 26, 89, 95, 105, 119, 152, 185, MLC, 2006, 188

Cook Islands — **4 reports requested**

· 1 report received: Convention No. (MLC, 2006)
· 3 reports not received: Conventions Nos. 29, 105, 182

Costa Rica — **6 reports requested**

All reports received: Conventions Nos. 29, 90, 105, 122, 138, 182

Côte d'Ivoire — **5 reports requested**

All reports received: Conventions Nos. 6, 29, 105, 138, 182

Croatia — **6 reports requested**

· No reports received: Conventions Nos. 29, 90, 105, 122, 138, 182

Cuba — **9 reports requested**

· 4 reports received: Conventions Nos. 77, 78, 79, 90
· 5 reports not received: Conventions Nos. 29, 105, 122, 138, 182

Cyprus — **7 reports requested**

All reports received: Conventions Nos. 29, 90, 105, 122, 124, 138, 182

Czechia — **9 reports requested**

All reports received: Conventions Nos. 29, 77, 78, 90, 105, 122, 124, 138, 182

Democratic Republic of the Congo — **12 reports requested**

All reports received: Conventions Nos. 11, 14, 29, 87, 88, 98, 105, 135, 138, 144, 158, 182

Denmark — **7 reports requested**

All reports received: Conventions Nos. 6, 29, 105, 122, 138, 141, 182

Denmark - Faroe Islands — **3 reports requested**

All reports received: Conventions Nos. 6, 29, 105

Denmark - Greenland — **6 reports requested**

· 4 reports received: Conventions Nos. 6, 29, 105, 182
· 2 reports not received: Conventions Nos. 122, 138

Djibouti — **25 reports requested**

· No reports received: Conventions Nos. 1, 11, 13, 14, 26, 29, 52, 77, 78, 87, 89, 95, 98, 99, 101, 105, 106, 115, 120, 122, 124, 138, 144, 182, (183)

Dominica — **13 reports requested**

All reports received: Conventions Nos. 11, 22, 29, 87, 94, 98, 105, 108, 135, 138, 144, 147, 182

Dominican Republic — **8 reports requested**

All reports received: Conventions Nos. 29, 77, 79, 90, 105, 122, 138, 182

Ecuador — **16 reports requested**

All reports received: Conventions Nos. 29, 77, 78, 87, 98, 105, 115, 119, 122, 124, 136, 138, 139, 148, 162, 182

Egypt — **5 reports requested**

All reports received: Conventions Nos. 29, 87, 105, 138, 182

El Salvador — **13 reports requested**

· 11 reports received: Conventions Nos. 29, 77, 78, 87, 105, 138, (148), (154), 182, (183), (190)
· 2 reports not received: Conventions Nos. (102), 122

Equatorial Guinea — **6 reports requested**

· No reports received: Conventions Nos. 29, (68), (92), 105, 138, 182

Eritrea — **5 reports requested**

All reports received: Conventions Nos. 29, 98, 105, 138, 182

Estonia — **6 reports requested**

All reports received: Conventions Nos. 6, 29, 105, 122, 138, 182

Eswatini — **6 reports requested**

All reports received: Conventions Nos. 29, 87, 90, 105, 138, 182

Ethiopia — **6 reports requested**

· No reports received: Conventions Nos. 11, 29, 87, 105, 138, 182

Fiji — **11 reports requested**

· 7 reports received: Conventions Nos. 11, 87, 98, 105, 111, 144, (190)
· 4 reports not received: Conventions Nos. 29, 122, 138, 182

Finland — **6 reports requested**

All reports received: Conventions Nos. 29, 105, 122, 124, 138, 182

France — **9 reports requested**

All reports received: Conventions Nos. 29, 77, 78, 90, 105, 122, 124, 138, 182

France - French Polynesia — **7 reports requested**

All reports received: Conventions Nos. 6, 29, 77, 78, 105, 122, 124

France - New Caledonia — **12 reports requested**

All reports received: Conventions Nos. 6, 11, 29, 77, 78, 87, 98, 105, 122, 124, 141, 144

Gabon — **24 reports requested**

· 15 reports received: Conventions Nos. 3, 12, 13, 14, 19, 26, 52, 81, 95, 96, 99, 100, 111, 122, 158
· 9 reports not received: Conventions Nos. 87, 98, 101, 106, 144, 150, 155, 161, 167

Gambia — **3 reports requested**

· No reports received: Conventions Nos. 87, 98, 138

Georgia — **4 reports requested**

All reports received: Conventions Nos. 52, 87, 98, 144

Germany — **29 reports requested**

All reports received: Conventions Nos. 12, 19, 26, 81, 87, 98, 99, 102, 115, 118, 120, 121, 128, 129, 130, 132, 136, 139, 144, 148, 150, 160, 161, 162, 167, 170, 176, 183, 187

Ghana — **18 reports requested**

- 16 reports received: Conventions Nos. 1, 14, 30, 81, 87, 89, 98, 103, 106, 115, 119, 120, 144, 148, 150, 184
- 2 reports not received: Conventions Nos. 19, 26

Greece — **18 reports requested**

All reports received: Conventions Nos. 1, 13, 14, 19, 42, 81, 87, 95, 98, 102, 103, 106, 115, 136, 144, 150, 160, 187

Grenada — **18 reports requested**

All reports received: Conventions Nos. 12, 14, 19, 26, 29, 81, 87, 94, 95, 98, 99, 105, 138, 144, 155, 182, (MLC, 2006), (189)

Guatemala — **27 reports requested**

All reports received: Conventions Nos. 1, 13, 14, 19, 30, 81, 87, 89, 95, 98, 101, 103, 106, 118, 119, 120, 127, 129, 131, 141, 144, 148, 160, 161, 162, 167, 175

Guinea — **28 reports requested**

- 15 reports received: Conventions Nos. 3, 13, 81, 87, 98, 105, 111, 118, 119, 121, 132, 139, 144, 148, 150
- 13 reports not received: Conventions Nos. 14, 26, 89, 95, 99, 115, 117, 120, 136, 142, 167, 176, 187

Guinea-Bissau — **11 reports requested**

- No reports received: Conventions Nos. 1, 12, 14, 17, 18, 19, 26, 81, 89, 98, 106

Guyana — **15 reports requested**

All reports received: Conventions Nos. 12, 19, 81, 87, 95, 98, 115, 129, 131, 136, 139, 144, 150, 155, 175

Haiti — **13 reports requested**

- No reports received: Conventions Nos. 12, 17, 19, 24, 25, 42, 81, 87, 90, 98, 100, 105, 111

Honduras — **10 reports requested**

All reports received: Conventions Nos. 14, 42, 81, 87, 95, 98, 102, 106, 127, 144

Hungary — **27 reports requested**

- 26 reports received: Conventions Nos. 12, 13, 14, 17, 19, 24, 26, 42, 81, 87, 95, 98, 99, 115, 127, 129, 132, 136, 139, 148, 155, 160, 161, 167, 175, 183
- 1 report not received: Convention No. 144

Iceland — **14 reports requested**

- 10 reports received: Conventions Nos. 2, 81, 87, 98, 100, 102, 111, 122, 144, 159
- 4 reports not received: Conventions Nos. 129, 139, 155, 187

India — **14 reports requested**

All reports received: Conventions Nos. 1, 14, 19, 26, 42, 81, 89, 115, 118, 127, 136, 144, 160, 174

Indonesia — **8 reports requested**

All reports received: Conventions Nos. 19, 81, 87, 98, 106, 120, 144, 187

Iran (Islamic Republic of) — **9 reports requested**

- 5 reports received: Conventions Nos. 95, 100, 111, 122, 142
- 4 reports not received: Conventions Nos. 14, 19, 106, 155

Iraq — **29 reports requested**

· 21 reports received: Conventions Nos. 1, 13, 14, 30, 81, 87, 89, 98, 106, 115, 119, 120, 131, 132, 139, 144, 148, 150, 153, 167, (184)
· 8 reports not received: Conventions Nos. 17, 19, 42, 95, 118, 136, (185), 187

Ireland — **17 reports requested**

All reports received: Conventions Nos. 12, 14, 19, 26, 81, 87, 98, 99, 102, 118, 121, 132, 139, 144, 155, 160, 176

Israel — **15 reports requested**

· No reports received: Conventions Nos. 1, 14, 19, 30, 81, 87, 95, 98, 102, 106, 118, 136, 144, 150, 160

Italy — **30 reports requested**

All reports received: Conventions Nos. 12, 13, 14, 19, 26, 42, 81, 87, 95, 98, 99, 102, 106, 115, 118, 119, 120, 127, 129, 132, 136, 139, 144, 148, 150, 160, 167, 170, 175, 183

Jamaica — **8 reports requested**

All reports received: Conventions Nos. 19, 26, 81, 87, 98, 144, 150, MLC, 2006

Japan — **15 reports requested**

All reports received: Conventions Nos. 19, 81, 87, 98, 102, (105), 115, 119, 120, 121, 131, 139, 144, 162, 187

Jordan — **9 reports requested**

· 8 reports received: Conventions Nos. 81, 98, 102, 106, 119, 120, 144, 150
· 1 report not received: Convention No. 118

Kazakhstan — **15 reports requested**

All reports received: Conventions Nos. 26, 81, 87, 95, 98, 105, 129, 144, 148, 155, 162, 167, (175), 183, 187

Kenya — **21 reports requested**

· 7 reports received: Conventions Nos. 2, 88, 94, 100, 111, 140, (185)
· 14 reports not received: Conventions Nos. 12, 14, 17, 19, 81, 89, 98, 99, 118, 129, 131, 132, 144, (188)

Kiribati — **4 reports requested**

· No reports received: Conventions Nos. 87, 98, 100, 144

Kuwait — **11 reports requested**

All reports received: Conventions Nos. 1, 30, 52, 81, 87, 89, 98, 106, 119, 136, 144

Kyrgyzstan — **19 reports requested**

All reports received: Conventions Nos. 14, 17, 47, 81, 87, 95, 98, 103, 106, 115, 119, 120, 131, 144, 148, 150, 157, 160, 184

Lao People's Democratic Republic — **4 reports requested**

All reports received: Conventions Nos. 111, 144, (155), (187)

Latvia — **10 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 129, 135, 144, 151, 154, 155

Lebanon — **4 reports requested**

All reports received: Conventions Nos. 14, 81, 98, (MLC, 2006)

Lesotho — **7 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 135, 144, 155

Liberia — **6 reports requested**

· 2 reports received: Conventions Nos. (100), (138)
· 4 reports not received: Conventions Nos. 81, 87, 98, 144

Libya — **3 reports requested**

· 1 report received: Convention No. 81
· 2 reports not received: Conventions Nos. 87, 98

Lithuania — **7 reports requested**

· No reports received: Conventions Nos. 11, 81, 87, 98, 135, 144, 154

Luxembourg — **10 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 129, 135, 144, 151, 155, 187

Madagascar — **14 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 97, 98, 100, 111, 122, 129, 143, 144, 151, 154, 189

Malawi — **9 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 129, 144, 155, 184, 187

Malaysia — **5 reports requested**

All reports received: Conventions Nos. 81, 98, 144, MLC, 2006, 187

Malaysia - Malaysia - Peninsular — **1 report requested**

All reports received: Convention No. 11

Malaysia - Malaysia - Sarawak — **1 report requested**

All reports received: Convention No. 11

Maldives — **3 reports requested**

All reports received: Conventions Nos. 87, 98, MLC, 2006

Mali — **9 reports requested**

· 6 reports received: Conventions Nos. 81, 87, 98, 144, 151, 155
· 3 reports not received: Conventions Nos. 11, 135, 141

Malta — **8 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 129, 135, 141, 144

Marshall Islands — **1 report requested**

· No reports received: Convention No. (182)

Mauritania — **6 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 111, 144

Mauritius — **9 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 144, 154, 155, MLC, 2006, 187

Mexico — **8 reports requested**

All reports received: Conventions Nos. 11, 87, 98, 135, 141, 144, 155, (190)

Mongolia — **6 reports requested**

All reports received: Conventions Nos. 87, 98, 135, 144, 155, MLC, 2006

Montenegro — **27 reports requested**

· 10 reports received: Conventions Nos. 27, 100, 111, 113, 114, 122, 126, 152, 156, 185
· 17 reports not received: Conventions Nos. 11, 12, 19, 81, 87, 97, 98, 102, 121, 129, 135, 143, 144, 151, 155, MLC, 2006, 187

Morocco — **9 reports requested**

All reports received: Conventions Nos. 11, 81, 98, 129, 135, 144, 151, 154, 187

Mozambique — **6 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 122, 144

Myanmar — **3 reports requested**

All reports received: Conventions Nos. 11, 29, 87

Namibia — **5 reports requested**

All reports received: Conventions Nos. 81, 87, 98, 144, 151

Nepal — **2 reports requested**

All reports received: Conventions Nos. 98, 144

Netherlands — **11 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 129, 135, 141, 144, 151, 154, 155

Netherlands - Aruba — **4 reports requested**

All reports received: Conventions Nos. 81, 87, 135, 144

Netherlands - Caribbean Part of the Netherlands — **3 reports requested**

All reports received: Conventions Nos. 11, 81, 87

Netherlands - Curaçao — **6 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 144, 151, MLC, 2006

Netherlands - Sint Maarten — **8 reports requested**

All reports received: Conventions Nos. 11, 29, 81, 87, 105, 122, 144, 172

New Zealand — **6 reports requested**

All reports received: Conventions Nos. 11, 81, 84, 98, 144, 155

Nicaragua — **6 reports requested**

All reports received: Conventions Nos. 11, 87, 98, 135, 141, 144

Niger — **9 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 135, 144, 154, 155, 187

Nigeria — **9 reports requested**

· No reports received: Conventions Nos. 11, 81, 87, 98, 144, 155, MLC, 2006, (187), (190)

North Macedonia — **12 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 129, 135, 141, 144, 151, 154, 155, 187

Norway — **12 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 129, 135, 141, 144, 151, 154, 155, 187

Oman — **3 reports requested**

All reports received: Conventions Nos. 105, 138, (MLC, 2006)

Pakistan — **6 reports requested**

All reports received: Conventions Nos. 27, 32, 81, 100, 111, 185

Palau — **1 report requested**

· No reports received: Convention No. MLC, 2006

Panama — **14 reports requested**

All reports received: Conventions Nos. 27, 32, 71, 100, 108, 111, 113, 114, 125, 126, (129), (183), MLC, 2006, (190)

Papua New Guinea — **18 reports requested**

· No reports received: Conventions Nos. 11, 12, 19, 22, 26, 27, 29, 87, 98, 99, 100, 103, 105, 111, 122, 138, 158, 182

Paraguay — **3 reports requested**

All reports received: Conventions Nos. 81, 100, 111

Peru — **19 reports requested**

All reports received: Conventions Nos. 22, 23, 27, 55, 56, 58, 68, 69, 71, 81, 100, 111, 112, 113, 114, 147, 152, 169, (190)

Philippines — **5 reports requested**

All reports received: Conventions Nos. 87, 100, 111, 185, MLC, 2006

Poland — **9 reports requested**

All reports received: Conventions Nos. 27, 81, 100, 108, 111, 129, 137, MLC, 2006, 188

Portugal — **6 reports requested**

All reports received: Conventions Nos. 27, 100, 108, 111, 137, 188

Qatar — **1 report requested**

All reports received: Convention No. 111

Republic of Korea — **15 reports requested**

All reports received: Conventions Nos. 19, 47, 81, 87, 98, 115, 131, 139, 144, 150, 155, 160, 162, 170, 187

Republic of Moldova — **14 reports requested**

All reports received: Conventions Nos. 11, 81, 87, 98, 117, 129, 135, 141, 144, 151, 152, 154, 155, 187

Romania — **29 reports requested**

· 20 reports received: Conventions Nos. 1, 11, 13, 29, 81, 89, 100, 102, 111, 122, 127, 129, 135, 136, 144, 150, 154, 168, 182, 183
· 9 reports not received: Conventions Nos. 14, 27, 95, 105, 108, 131, 137, 138, MLC, 2006

Russian Federation — **9 reports requested**

All reports received: Conventions Nos. 27, 100, 111, 113, 126, 137, 152, 185, MLC, 2006

Rwanda — **18 reports requested**

All reports received: Conventions Nos. 12, 14, 17, 19, 26, 29, 81, 89, 100, 105, 111, 118, 132, 138, 150, 155, 182, 187

Saint Kitts and Nevis — **3 reports requested**

All reports received: Conventions Nos. 100, 105, 111

Saint Lucia — **20 reports requested**

· No reports received: Conventions Nos. 11, 12, 14, 17, 19, 26, 29, 87, 94, 95, 97, 98, 100, 101, 105, 108, 111, (155), 158, 182

Saint Vincent and the Grenadines — **5 reports requested**

· 4 reports received: Conventions Nos. 100, 102, 108, 111
· 1 report not received: Convention No. MLC, 2006

Samoa — **3 reports requested**

All reports received: Conventions Nos. 100, 111, MLC, 2006

San Marino — **14 reports requested**

· No reports received: Conventions Nos. 29, 100, 105, 111, 119, 138, 148, 150, 160, 161, 182, 183, (MLC, 2006), (190)

Sao Tome and Principe — **3 reports requested**

All reports received: Conventions Nos. 100, 111, 184

Saudi Arabia — **2 reports requested**

· No reports received: Conventions Nos. 100, 111

Senegal — **5 reports requested**

All reports received: Conventions Nos. 100, 111, MLC, 2006, 188
· 1 report not received: Convention No. 125

Serbia — **8 reports requested**

· 2 reports received: Conventions Nos. 100, 111
· 6 reports not received: Conventions Nos. 27, 32, 113, 114, 126, MLC, 2006

Seychelles — **5 reports requested**

All reports received: Conventions Nos. 100, 108, 111, 152, MLC, 2006

Sierra Leone — **8 reports requested**

All reports received: Conventions Nos. 32, 100, (102), 111, 125, 126, (160), (MLC, 2006)

Singapore — **9 reports requested**

· 6 reports received: Conventions Nos. 11, 100, 138, 155, 182, MLC, 2006
· 3 reports not received: Conventions Nos. 29, 32, 81

Slovakia — **4 reports requested**

All reports received: Conventions Nos. 27, 100, 111, MLC, 2006

Slovenia — **41 reports requested**

All reports received: Conventions Nos. 12, 13, 14, 19, 24, 25, 27, 29, 32, 81, 95, 100, 102, 105, 106, 108, 111, 113, 114, 119, 121, 126, 129, 131, 132, 136, 138, 139, 148, 155, 161, 162, 171, 173, 174, 175, (177), 182, 183, MLC, 2006, 187

Solomon Islands — **14 reports requested**

· 13 reports received: Conventions Nos. 12, 14, 19, 29, 42, 81, 95, 100, 105, 108, 111, 138, 182
· 1 report not received: Convention No. 26

Somalia — **13 reports requested**

· No reports received: Conventions Nos. 19, 87, 94, (97), 98, 105, (143), (144), (155), (181), 182, (187), (190)

South Africa — **4 reports requested**

· 2 reports received: Conventions Nos. 100, 111
· 2 reports not received: Conventions Nos. MLC, 2006, 188

South Sudan — **6 reports requested**

· No reports received: Conventions Nos. 29, 100, 105, 111, 138, 182

Spain — **9 reports requested**

All reports received: Conventions Nos. 27, 100, 111, 137, 152, (177), 185, MLC, 2006, (190)

Sri Lanka — **5 reports requested**

All reports received: Conventions Nos. 100, 111, 122, 185, MLC, 2006

Sudan — **15 reports requested**

· 12 reports received: Conventions Nos. 26, 29, 81, 95, 98, 100, 105, 111, 138, 175, 182, (MLC, 2006)
· 3 reports not received: Conventions Nos. 19, (87), (144)

Suriname — **3 reports requested**

· No reports received: Conventions Nos. 27, 100, 111

Sweden — **6 reports requested**

All reports received: Conventions Nos. 27, 100, 111, 137, 152, MLC, 2006

Switzerland — **6 reports requested**

All reports received: Conventions Nos. 27, 100, 111, (170), (174), MLC, 2006

Syrian Arab Republic — **34 reports requested**

· No reports received: Conventions Nos. 1, 11, 14, 17, 19, 29, 30, 52, 81, 87, 89, 95, 98, 100, 101, 105, 106, 107, 111, 115, 118, 119, 120, 125, 129, 131, 135, 136, 138, 139, 144, 155, 170, 182

Tajikistan — **11 reports requested**

All reports received: Conventions Nos. 27, 81, 97, 100, 111, 113, 124, 126, 143, 149, 177

Thailand — **3 reports requested**

· No reports received: Conventions Nos. 100, 111, 188

Timor-Leste — **4 reports requested**

· No reports received: Conventions Nos. 29, 100, 111, 182

Togo — **3 reports requested**

All reports received: Conventions Nos. 100, 111, 143

Tonga — **1 report requested**

· No reports received: Convention No. (182)

Trinidad and Tobago — **3 reports requested**

All reports received: Conventions Nos. 97, 100, 111

Tunisia — **4 reports requested**

All reports received: Conventions Nos. 87, 100, 107, 111

Türkiye — **4 reports requested**

All reports received: Conventions Nos. 98, 100, 111, 158

Turkmenistan — **4 reports requested**

· No reports received: Conventions Nos. 100, 105, 111, 182

Tuvalu — **2 reports requested**

· 1 report received: Convention No. MLC, 2006
· 1 report not received: Convention No. (182)

Uganda — **6 reports requested**

All reports received: Conventions Nos. 26, 95, 100, 111, 138, 143

Ukraine — **5 reports requested**

All reports received: Conventions Nos. 100, 111, 124, 149, 156

United Arab Emirates — **2 reports requested**

All reports received: Conventions Nos. 100, 111

United Kingdom of Great Britain and Northern Ireland — **5 reports requested**

All reports received: Conventions Nos. 87, 97, 100, 111, (190)

United Kingdom of Great Britain and Northern Ireland - Anguilla — **1 report requested**

All reports received: Convention No. 97

United Kingdom of Great Britain and Northern Ireland - British Virgin Islands — **3 reports requested**

· No reports received: Conventions Nos. 82, 94, 97

United Kingdom of Great Britain and Northern Ireland - Gibraltar — **1 report requested**

All reports received: Convention No. 100

United Kingdom of Great Britain and Northern Ireland - Guernsey — **1 report requested**

All reports received: Convention No. 97

United Kingdom of Great Britain and Northern Ireland - Isle of Man — **3 reports requested**

All reports received: Conventions Nos. 97, 100, 111

United Kingdom of Great Britain and Northern Ireland - Jersey — **1 report requested**

All reports received: Convention No. 97

United Kingdom of Great Britain and Northern Ireland - Montserrat — **1 report requested**

· No reports received: Convention No. 97

United Republic of Tanzania — **3 reports requested**

All reports received: Conventions Nos. 100, 111, 149

United Republic of Tanzania - United Republic of Tanzania.Zanzibar — **1 report requested**

All reports received: Convention No. 97

Uruguay — **9 reports requested**

All reports received: Conventions Nos. 97, 100, 110, 111, 149, 156, 172, 189, 190

Uzbekistan — **7 reports requested**

All reports received: Conventions Nos. 87, 100, 111, 122, 138, (167), (187)

Vanuatu — **9 reports requested**

· No reports received: Conventions Nos. 29, 87, 98, 100, 105, 111, (138), 182, 185

Venezuela (Bolivarian Republic of) — **14 reports requested**

All reports received: Conventions Nos. 13, 26, 95, 97, 100, 111, 120, 127, 139, 143, 149, 155, 156, 169

Viet Nam — **2 reports requested**

· No reports received: Conventions Nos. 100, 111

Yemen — **18 reports requested**

· No reports received: Conventions Nos. 19, 29, 58, 59, 87, 94, 98, 100, 105, 111, 122, 138, 144, 156, 158, 159, 182, 185

Zambia — **4 reports requested**

All reports received: Conventions Nos. 97, 100, 111, 149

Zimbabwe — **2 reports requested**

All reports received: Conventions Nos. 100, 111

Grand Total

A total of 1,836 reports (article 22) were requested, of which 1,338 reports (72.88 per cent) were received.

A total of 73 reports (article 35) were requested, of which 67 reports (91.78 per cent) were received.

Appendix II. Statistical table of reports received on ratified Conventions as at 7 December 2024
(article 22 of the Constitution)

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested		Reports registered for the session of the Committee of Experts		Reports registered for the session of the Conference	
1932	447	-		406	90.8%	423	94.6%
1933	522	-		435	83.3%	453	86.7%
1934	601	-		508	84.5%	544	90.5%
1935	630	-		584	92.7%	620	98.4%
1936	662	-		577	87.2%	604	91.2%
1937	702	-		580	82.6%	634	90.3%
1938	748	-		616	82.4%	635	84.9%
1939	766	-		588	76.8%	-	
1944	583	-		251	43.1%	314	53.9%
1945	725	-		351	48.4%	523	72.2%
1946	731	-		370	50.6%	578	79.1%
1947	763	-		581	76.1%	666	87.3%
1948	799	-		521	65.2%	648	81.1%
1949	806	134	16.6%	666	82.6%	695	86.2%
1950	831	253	30.4%	597	71.8%	666	80.1%
1951	907	288	31.7%	507	77.7%	761	83.9%
1952	981	268	27.3%	743	75.7%	826	84.2%
1953	1026	212	20.6%	840	75.7%	917	89.3%
1954	1175	268	22.8%	1077	91.7%	1119	95.2%
1955	1234	283	22.9%	1063	86.1%	1170	94.8%
1956	1333	332	24.9%	1234	92.5%	1283	96.2%
1957	1418	210	14.7%	1295	91.3%	1349	95.1%
1958	1558	340	21.8%	1484	95.2%	1509	96.8%
As a result of a decision by the Governing Body, detailed reports were requested as from 1959 until 1976 only on certain Conventions							
1959	995	200	20.4%	864	86.8%	902	90.6%
1960	1100	256	23.2%	838	76.1%	963	87.4%
1961	1362	243	18.1%	1090	80.0%	1142	83.8%
1962	1309	200	15.5%	1059	80.9%	1121	85.6%
1963	1624	280	17.2%	1314	80.9%	1430	88.0%
1964	1495	213	14.2%	1268	84.8%	1356	90.7%
1965	1700	282	16.6%	1444	84.9%	1527	89.8%
1966	1562	245	16.3%	1330	85.1%	1395	89.3%
1967	1883	323	17.4%	1551	84.5%	1643	89.6%
1968	1647	281	17.1%	1409	85.5%	1470	89.1%
1969	1821	249	13.4%	1501	82.4%	1601	87.9%
1970	1894	360	18.9%	1463	77.0%	1549	81.6%
1971	1992	237	11.8%	1504	75.5%	1707	85.6%
1972	2025	297	14.6%	1572	77.6%	1753	86.5%
1973	2048	300	14.6%	1521	74.3%	1691	82.5%
1974	2189	370	16.5%	1854	84.6%	1958	89.4%
1975	2034	301	14.8%	1663	81.7%	1764	86.7%
1976	2200	292	13.2%	1831	83.0%	1914	87.0%

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested		Reports registered for the session of the Committee of Experts		Reports registered for the session of the Conference	
As a result of a decision by the Governing Body (November 1976), detailed reports were requested as from 1977 until 1994, according to certain criteria, at yearly, two-yearly or four-yearly intervals							
1977	1529	215	14.0%	1120	73.2%	1328	87.0%
1978	1701	251	14.7%	1289	75.7%	1391	81.7%
1979	1593	234	14.7%	1270	79.8%	1376	86.4%
1980	1581	168	10.6%	1302	82.2%	1437	90.8%
1981	1543	127	8.1%	1210	78.4%	1340	86.7%
1982	1695	332	19.4%	1382	81.4%	1493	88.0%
1983	1737	236	13.5%	1388	79.9%	1558	89.6%
1984	1669	189	11.3%	1286	77.0%	1412	84.6%
1985	1666	189	11.3%	1312	78.7%	1471	88.2%
1986	1752	207	11.8%	1388	79.2%	1529	87.3%
1987	1793	171	9.5%	1408	78.4%	1542	86.0%
1988	1636	149	9.0%	1230	75.9%	1384	84.4%
1989	1719	196	11.4%	1256	73.0%	1409	81.9%
1990	1958	192	9.8%	1409	71.9%	1639	83.7%
1991	2010	271	13.4%	1411	69.9%	1544	76.8%
1992	1824	313	17.1%	1194	65.4%	1384	75.8%
1993	1906	471	24.7%	1233	64.6%	1473	77.2%
1994	2290	370	16.1%	1573	68.7%	1879	82.0%
As a result of a decision by the Governing Body (November 1993), detailed reports on only five Conventions were exceptionally requested in 1995							
1995	1252	479	38.2%	824	65.8%	988	78.9%
As a result of a decision by the Governing Body (November 1993), reports were requested, according to certain criteria, at yearly, two-yearly or five-yearly intervals							
1996	1806	362	20.5%	1145	63.3%	1413	78.2%
1997	1927	553	28.7%	1211	62.8%	1438	74.6%
1998	2036	463	22.7%	1264	62.1%	1455	71.4%
1999	2288	520	22.7%	1406	61.4%	1641	71.7%
2000	2550	740	29.0%	1798	70.5%	1952	76.6%
2001	2313	598	25.9%	1513	65.4%	1672	72.2%
2002	2368	600	25.3%	1529	64.5%	1701	71.8%
2003	2344	568	24.2%	1544	65.9%	1701	72.6%
2004	2569	659	25.6%	1645	64.0%	1852	72.1%
2005	2638	696	26.4%	1820	69.0%	2065	78.3%
2006	2586	745	28.8%	1719	66.5%	1949	75.4%
2007	2478	845	34.1%	1611	65.0%	1812	73.2%
2008	2515	811	32.2%	1768	70.2%	1962	78.0%
2009	2733	682	24.9%	1853	67.8%	2120	77.6%
2010	2745	861	31.4%	1866	67.9%	2122	77.3%
2011	2735	960	35.1%	1855	67.8%	2117	77.4%

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested		Reports registered for the session of the Committee of Experts		Reports registered for the session of the Conference	
As a result of a decision by the Governing Body (November 2009 and March 2011), reports are requested, according to certain criteria, at yearly, three-yearly or five-yearly intervals							
2012	2207	809	36.7%	1497	67.8%	1742	78.9%
2013	2176	740	34.1%	1578	72.5%	1755	80.6%
2014	2251	875	38.9%	1597	70.9%	1739	77.2%
2015	2139	829	38.8%	1482	69.3%	1617	75.6%
2016	2303	902	39.2%	1600	69.5%	1781	77.3%
2017	2083	785	37.7%	1386	66.5%	1543	74.1%
2018	1683	571	33.9%	1038	61.7%	1194	70.9%
As a result of a decision by the Governing Body (November 2018), reports are requested, according to certain criteria, at yearly, three-yearly or six-yearly intervals							
2019	1788	645	36.1%	1217	68.1%	ILC 2020 deferred due to the COVID-19 pandemic	
In light of the deferral of 109th Session of the Conference to June 2021 due to the COVID-19 pandemic, the Governing Body decided in March 2020 to invite Member States to provide supplementary information on reports submitted in 2019, highlighting relevant developments, if any, on the application of the provisions of Conventions under review that might have occurred in the meantime. In addition, reports were requested on the basis of a footnote adopted by the Committee requesting a report for 2020 and on the follow-up of failures to submit reports							
2020	1796	394	21.9%	712	39.6%	768	42.8%
As a result of a decision by the Governing Body (November 2018), reports are requested, according to certain criteria, at yearly, three-yearly or six-yearly intervals							
2021	1865	747	40.0%	1230	65.9%	1383	74.2%
2022	1915	787	41.1%	1334	69.7%	1460	76.2%
2023	2014	923	45.8%	1504	74.7%	1631	81.0%
2024	1836	766	41.7%	1338	72.9%		

Appendix III. List of observations made by employers' and workers' organizations

	on Conventions Nos
Algeria	
• Autonomous National Union of Electricity and Gas Workers (SNATEG)	87, 98
• International Organisation of Employers (IOE)	98
• International Trade Union Confederation (ITUC)	87, 98
• National Autonomous Union of Public Administration Personnel (SNAPAP)	87, 98
• National Union of Industrial Workers (SNSI)	87
• Trade Union Confederation of Productive Workers (COSYFOP)	81, 87, 98, 135, 144
Argentina	**on Conventions Nos**
• Confederation of Workers of Argentina (CTA Autonomous)	29, 105, 138, 159, 182
• General Confederation of Labour of the Argentine Republic (CGT RA)	2, 29, 88, 96, 105, 138, 142, 159, 182
Australia	**on Convention No.**
• International Organisation of Employers (IOE)	122
Austria	**on Conventions Nos**
• Federal Chamber of Labour (BAK)	29, P29, 88, 105, 122, 138, 142
Bahamas	**on Conventions Nos**
• Commonwealth of the Bahamas Trade Union Congress (CBTUC)	29, 87, 98
Bangladesh	**on Conventions Nos**
• Bangladesh Employers' Federation (BEF)	29, 81, 96, 105, 107, 182
• Trade Union's International Labour Standards Committee (TU-ILS Committee)	29, P29, 81, 96, 105, 107, 138, 182
Belarus	**on Conventions Nos**
• Belarusian Congress of Democratic Trade Unions (BKDP)	29, 87, 98, 105, 138, 144, 182
• International Organisation of Employers (IOE)	87, 98
Belgium	**on Conventions Nos**
• General Labour Federation of Belgium (FGTB); Confederation of Christian Trade Unions (CSC); General Confederation of Liberal Trade Unions of Belgium (CGSLB)	29, P29, 88, 94, 122, 138, 140, 159, 181, 182
Brazil	**on Conventions Nos**
• National Confederation of Industry (CNI)	29, 88, 105, 117, 122, 138, 142, 159, 182
• Single Confederation of Workers (CUT)	29, 105, 138, 169
Bulgaria	**on Conventions Nos**
• Bulgarian Industrial Capital Association (BICA)	29, 94, 105, 122, 138, 181, 182
Burundi	**on Conventions Nos**
• Trade Union Confederation of Burundi (COSYBU)	27, 29, 94, 98, 105, 138, 144, 182
Cambodia	**on Conventions Nos**
• International Organisation of Employers (IOE)	87
• International Trade Union Confederation (ITUC)	87
Cameroon	**on Conventions Nos**
• General Union of Workers of Cameroon (UGTC)	11, 87, 98, 135, 144, 155

Canada	
	on Conventions Nos
• Canadian Labour Congress (CLC)	P29, 105, 122, 138
China	
	on Conventions Nos
• All-China Federation of Trade Unions (ACFTU)	29
• China Enterprise Confederation (CEC)	29
• International Trade Union Confederation (ITUC)	29, 105
Colombia	
	on Conventions Nos
• International Organisation of Employers (IOE)	87, 144, 159
• National Employers Association of Colombia (ANDI)	6, 29, 105, 138, 182
• National Trade Union of Workers of Operating, Contracting and Subcontracting Companies Providing Services and Activities in Petroleum, Petrochemical and Similar Industries (SINDISPETROL)	98, 154
• Single Confederation of Workers of Colombia (CUT); General Confederation of Labour (CGT); Confederation of Workers of Colombia (CTC)	6, 29, 105, 138, 182
Costa Rica	
	on Conventions Nos
• Confederation of Workers Rerum Novarum (CTRN); Costa Rican Workers' Movement Central (CMTC)	29, 105, 122, 138, 182
• Costa Rican Federation of Chambers and Associations of Private Enterprise (UCCAEP)	29, 122, 138, 182
Cuba	
	on Conventions Nos
• Independent Trade Union Association of Cuba (ASIC)	29, 105, 148, 155, 187
Democratic Republic of the Congo	
	on Conventions Nos
• Inter-Union National of Congo (INC)	87, 98
Dominica	
	on Conventions Nos
• Dominica Amalgamated Workers Union (DAWU)	29, 87, 105, 135, 138, 144, 182
• Dominica Public Service Union (DSPU)	22, 29, 94, 105, 108, 135, 138, 144, 147, 182
• Dominican Employers' Federation	22, 29, 94, 105, 108, 135, 138, 144, 147, 182
Ecuador	
	on Conventions Nos
• Ecuadorian Confederation of Free Trade Unions (CEOSL)	29, 87, 98, 105, 122, 138, 182
• Ecuadorian Confederation of Free Trade Unions (CEOSL); National Union of Paid Domestic Workers and Allied Workers (UNTHA)	189
• International Organisation of Employers (IOE)	87
• International Trade Union Confederation (ITUC)	87
• Public Services International (PSI) in Ecuador; Ecuadorian Confederation of Free Trade Unions (CEOSL); Federation of Petroleum Workers of Ecuador (FETRAPEC)	87, 98
Egypt	
	on Conventions Nos
• International Trade Union Confederation (ITUC)	87
• Solidarity of Trade Unions Federation (STUF)	87, 98
• Union Committee of Workers in Suez Canal Clubs	87
El Salvador	
	on Conventions Nos
• International Organisation of Employers (IOE)	87
• International Trade Union Confederation (ITUC)	87
• Trade Union Confederation of Workers of El Salvador (CSTS)	87, 190
• Trade Union Confederation of Workers of El Salvador (CSTS) ; National Confederation of Salvadoran Workers (CNTS); Autonomous Central of Salvadorian Workers (CATS); Single Confederation of Salvadoran Workers (CUTS)	87, 102, 190

	on Conventions Nos
Eswatini	
• Education International (EI)	87, 98
• International Organisation of Employers (IOE)	87
• International Trade Union Confederation (ITUC)	87
Finland	
• Central Organization of Finnish Trade Unions (SAK)	87, 98, 144
• Central Organization of Finnish Trade Unions (SAK); Finnish Confederation of Professionals (STTK); Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)	P29, 105, 122, 124
• Federation of Finnish Enterprises (SY)	29, P29, 138
France	
• French Democratic Confederation of Labour (CFDT)	29, P29, 122
• General Confederation of Labour (CGT)	29, P29, 105, 122
Gabon	
• Democratic Confederation of Autonomous Trade Unions (CDSA)	98
Gambia	
• International Organisation of Employers (IOE)	138
Georgia	
• Georgian Trade Unions Confederation (GTUC)	87, 98, 144
• International Organisation of Employers (IOE)	100
• International Trade Union Confederation (ITUC)	100
Greece	
• Greek General Confederation of Labour (GSEE)	1, 13, 14, 19, 42, 81, 87, 95, 98, 102, 103, 106, 115, 136, 144, 150, 160, 187
• Hellenic Federation of Enterprises and Industries (SEV)	87, 98, 144, 160
Grenada	
• Grenada Employers' Federation (GEF)	99, 138, 155, 182
• Grenada Trades Union Council (GTUC)	12, 26, 87, 99, 138, 144, 155, 182, 189
• Grenada Trades Union Council (GTUC); Grenada Public Workers Union (GPWU)	98
Guatemala	
• Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF)	87, 98, 175
• International Trade Union Confederation (ITUC)	87
Guinea	
• International Organisation of Employers (IOE)	105
• International Trade Union Confederation (ITUC)	105
Guinea-Bissau	
• International Trade Union Confederation (ITUC)	98
Honduras	
• Honduran National Business Council (COHEP)	42, 81, 87, 95, 98, 102, 144
• International Trade Union Confederation (ITUC)	87

Hungary

	on Conventions Nos
• Democratic League of Independent Trade Unions (LIGA)	98, 132, 183
• Hungarian Trade Union Confederation (MASZSZ); Forum for the Co-operation of Trade Unions (SZEF)	139, 148, 161, 167

Indonesia

	on Convention No.
• International Trade Union Confederation (ITUC)	98

Iran (Islamic Republic of)

	on Convention No.
• International Trade Union Confederation (ITUC)	111

Italy

	on Conventions Nos
• Italian Confederation of Managers and Other Professionals (CIDA)	102, 170
• Italian General Confederation of Labour (CGIL)	81, 129
• Italian General Confederation of Labour (CGIL); Italian Union of Labour (UIL)	87
• Italian Union of Labour (UIL)	81, 129

Japan

	on Conventions Nos
• Apaken Kobe (Casual/Temporary/Part-time Non-regular Workers' Union); Rentai Union Suginami; Rentai Workers' Union, Itabashi-ku Section ; Union Rakuda (Kyoto Municipality Related Workers' Independent Union)	87, 122
• International Organisation of Employers (IOE)	87
• International Trade Union Confederation (ITUC)	87
• Japan Business Federation (NIPPON KEIDANREN)	81, 87, 98, 139, 162
• Japan Pensioners' Union (JPU)	100, 102, 156
• Japanese Trade Union Confederation (JTUC-RENGO)	19, 81, 87, 98, 102, 105, 115, 119, 120, 121, 139, 144, 162, 187
• National Confederation of Trade Unions (ZENROREN)	87

Kazakhstan

	on Conventions Nos
• International Organisation of Employers (IOE)	81, 129
• International Trade Union Confederation (ITUC)	81, 129
• Trade Union of Workers in the Fuel and Energy Complex	81, 129

Kenya

	on Conventions Nos
• Central Organization of Trade Unions of Kenya (COTU-K)	185
• Federation of Kenya Employers (FKE)	185

Kyrgyzstan

	on Convention No.
• International Trade Union Confederation (ITUC)	87

Lao People's Democratic Republic

	on Conventions Nos
• International Organisation of Employers (IOE)	111
• Lao Federation of Trade Unions (LFTU)	111, 144, 155, 187
• Lao National Chamber of Commerce and Industry (LNCCI)	111, 144, 155, 187

Latvia

	on Conventions Nos
• Free Trade Union Confederation of Latvia (FTUCL)	87, 98, 144

Lebanon

	on Conventions Nos
• General Confederation of Lebanese Workers (CGTL)	14, 81, 98

Liberia

	on Convention No.
• International Trade Union Confederation (ITUC)	87

Libya

	on Convention No.
• General Federation of Libya Trade Unions (GFLTU)	87

Luxembourg	on Convention No.
• Trade Union Organization of Luxembourg (OGB-L)	151
Madagascar	**on Conventions Nos**
• General Confederation of Workers' Unions of Madagascar (FISEMA)	11, 81, 98, 129, 144, 151, 154
• International Trade Union Confederation (ITUC)	87
Malawi	**on Conventions Nos**
• Malawi Congress of Trade Unions (MCTU)	81, 87, 98, 129, 144, 150, 155, 184, 187
Malaysia (Malaysia – Peninsular)	**on Conventions Nos**
• Malaysian Trades Union Congress (MTUC)	11
Malaysia (Malaysia – Sarawak)	**on Conventions Nos**
• Malaysian Trades Union Congress (MTUC)	11
Mali	**on Conventions Nos**
• National Council of Employers of Mali (CNPM)	81, 98, 144, 155
Mauritania	**on Convention No.**
• General Union of Labour Administration Staff (SGCAT)	81
Mauritius	**on Conventions Nos**
• Confederation of Public and Private Sector Workers (CTSP)	11, 81, 87, 98, 144, 154, 155, 187
• National Trade Unions Confederation (NTUC)	87, 98
Mexico	**on Conventions Nos**
• Authentic Workers' Confederation of the Republic of Mexico (CAT)	11, 87, 98, 135, 141, 144, 155, 190
• Autonomous Confederation of Workers and Employees of Mexico (CATEM)	11, 87, 98, 135, 141, 144, 155, 190
• Confederation of Employers of the Mexican Republic (COPARMEX)	155
• Confederation of Industrial Chambers of the United States of Mexico (CONCAMIN)	144
• Confederation of Workers of Mexico (CTM)	87, 98, 144, 155
• International Confederation of Workers (CIT)	11, 87, 98, 135, 141, 144, 155
• International Organisation of Employers (IOE)	100
• National Union of Social Security Workers (SNTSS)	190
• National Union of Workers (UNT)	87, 98, 144, 190
• Regional Confederation of Mexican Workers (CROM)	144
• Union of Trust Workers of the Autonomous University of Chiapas (SITRACOUNACH)	87, 98
Myanmar	**on Conventions Nos**
• International Trade Union Confederation (ITUC)	87
• Myanmar Seafarers Federation (MSF)	29, 87
• Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)	29, 87
Nepal	**on Conventions Nos**
• General Federation of Nepalese Trade Unions (GEFONT)	98, 144

Netherlands

	on Conventions Nos
• National Federation of Christian Trade Unions (CNV); Netherlands Trade Union Confederation (FNV)	81, 87, 98, 129, 135, 144, 151, 154

Netherlands (Sint Maarten)

	on Conventions Nos
• Employer Council Sint Maarten (ECSM)	87
• International Organisation of Employers (IOE)	87
• Nationaal Algemene Politie Bond (NAPB); Windward Island Health Care Union Association (WIHCUA); Windward Islands Civil Servants' Union/Private Sector Union (WICSU/PSU); Windward Islands Teachers Union (WITU)	87

New Zealand

	on Conventions Nos
• Business New Zealand (BusinessNZ)	81, 98, 144, 155
• New Zealand Council of Trade Unions (NZCTU)	81, 98, 144, 155

Nicaragua

	on Convention No.
• International Organisation of Employers (IOE)	87

Nigeria

	on Conventions Nos
• International Trade Union Confederation (ITUC)	87, 98
• Nigeria Labour Congress (NLC)	87, 98

North Macedonia

	on Conventions Nos
• Federation of Trade Unions of Macedonia (CCM)	98, 141, 154
• International Trade Union Confederation (ITUC)	87, 98
• Union of Police in Macedonia (SPM)	87, 98

Norway

	on Conventions Nos
• Norwegian Nurses Organization (NNO)	81, 87, 98

Panama

	on Conventions Nos
• National Confederation of United Independent Unions (CONUSI)	3, 12, 29, 71, 81, 95, 100, 111, 113, 129, 167, 183, MLC, 2006, 190

Paraguay

	on Convention No.
• International Organisation of Employers (IOE)	81

Peru

	on Conventions Nos
• Autonomous Workers' Confederation of Peru (CATP)	22, 23, 27, 55, 56, 58, 68, 69, 71, 100, 111, 112, 113, 114, 147, 152, 169, 190
• Autonomous Workers' Confederation of Peru (CATP); Single Union of Inspectors and Workers of the National Superintendence of Labour Inspection (SUIT SUNAFIL)	81
• General Confederation of Workers of Peru (CGTP); Single Confederation of Workers of Peru (CUT-Perú); Autonomous Workers' Confederation of Peru (CATP)	100, 111, 169, 190
• International Organisation of Employers (IOE)	169
• International Trade Union Confederation (ITUC)	169
• National Confederation of Private Business' Institutions (CONFIEP)	22, 23, 27, 55, 58, 68, 69, 71, 81, 100, 111, 169, 190

Philippines

	on Conventions Nos
• Center of United and Progressive Workers (SENTRO)	87, 98, 151
• International Organisation of Employers (IOE)	87
• International Trade Union Confederation (ITUC)	87
• Trade Union Congress of the Philippines (TUCP)	144

Poland

	on Conventions Nos
• Independent and Self-Governing Trade Union "Solidarnosc"	81, 100, 108, 129, MLC, 2006

Portugal	on Conventions Nos
• Confederation of Portuguese Business (CIP)	100, 111, 137
• General Confederation of Portuguese Workers - National Trade Unions (CGTP-IN)	111

Republic of Korea	on Conventions Nos
• Federation of Korean Trade Unions (FKTU)	19, 47, 81, 87, 98, 115, 150, 155, 170, 187
• International Trade Union Confederation (ITUC)	87, 98
• Korea Employers' Federation (KEF)	19, 87, 115, 139, 155, 162, 170, 187
• Korean Confederation of Trade Unions (KCTU)	19, 47, 81, 87, 98, 115, 139, 155, 162, 170, 187

Republic of Moldova	on Conventions Nos
• National Confederation of Trade Unions of Moldova (CNSM)	81, 87, 98, 129, 135, 155, 187

Russian Federation	on Conventions Nos
• Confederation of Labour of Russia (KTR)	100, 111
• Federation of Independent Trade Unions of Russia (FNPR)	100, 111, 113, 126, 152
• Trade Unions Federation of Workers of Maritime Transport (FPRMT)	MLC, 2006

Serbia	on Conventions Nos
• Confederation of Autonomous Trade Unions of Serbia (CATUS)	100, 111
• Trade Union Confederation 'Nezavisnost'	100, 111

South Africa	on Convention No.
• Solidarity Trade Union	111

Spain	on Conventions Nos
• General Union of Workers (UGT)	100, 111, 177, 190
• International Organisation of Employers (IOE)	144
• Spanish Confederation of Employers' Organizations (CEOE); Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME)	27, 100, 111, 137, 177, MLC, 2006, 190
• Trade Union Confederation of Workers' Commissions (CCOO)	100, 111, 152, 177, MLC, 2006, 190
• Workers' Labour Union (USO)	111

Sudan	on Conventions Nos
• International Trade Union Confederation (ITUC)	87, 98

Sweden	on Convention No.
• Swedish Trade Union Confederation (LO); Swedish Confederation for Professional Employees (TCO); Swedish Confederation of Professional Associations (SACO)	29

Switzerland	on Conventions Nos
• Travail.Suisse	100, 111

Thailand	on Convention No.
• International Transport Workers' Federation (ITF)	188

Trinidad and Tobago	on Convention No.
• Joint Trade Union Movement (JTUM)	111

Tunisia	on Conventions Nos
• International Organisation of Employers (IOE)	87
• International Trade Union Confederation (ITUC)	87, 98
• Tunisian General Labour Union (UGTT)	87, 98, 135, 144, 151

Türkiye

	on Conventions Nos
• Confederation of Public Employees' Trade Unions (KESK)	98, 111
• Confederation of Public Servants Trade Unions (MEMUR-SEN)	98, 111
• Confederation of Turkish Trade Unions (TÜRK-IS)	98, 100, 111, 158
• International Organisation of Employers (IOE)	98
• International Trade Union Confederation (ITUC)	87, 98
• Turkish Confederation of Employers' Associations (TISK)	98, 100, 111, 158
• Turkish Confederation of Public Workers Associations (Türkiye Kamu-Sen)	98, 100, 111, 158

Turkmenistan

	on Conventions Nos
• International Organisation of Employers (IOE)	105
• International Trade Union Confederation (ITUC)	105

Uganda

	on Convention No.
• International Organisation of Employers (IOE)	138

United Kingdom of Great Britain and Northern Ireland

	on Convention No.
• International Transport Workers' Federation (ITF)	190

United States of America

	on Convention No.
• International Trade Union Confederation (ITUC)	105

Uruguay

	on Conventions Nos
• Ibero-American Confederation of Labour Inspectors (CIIT)	81, 129
• Inter-Union Assembly of Workers - Workers' National Convention (PIT-CNT)	189, 190

Uzbekistan

	on Conventions Nos
• Federation of Trade Unions of Uzbekistan (FPU)	111
• International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)	100, 111

Vanuatu

	on Conventions Nos
• Vanuatu Trade Union Combine (VTUC)	29, 87, 98, 105, 111, 138, 182

Venezuela (Bolivarian Republic of)

	on Conventions Nos
• Confederation of Workers of Venezuela (CTV); General Confederation of Workers (CGT); Independent Trade Union Alliance Confederation of Workers (CTASI)	26, 87, 144
• Federation of University Teachers' Associations of Venezuela (FAPUV); Confederation of Workers of Venezuela (CTV); General Confederation of Workers (CGT); National Union of Workers of Venezuela (UNETE); United Federation of Workers of Venezuela (CUTV); Confederation of Autonomous Trade Unions (CODESA)	149, 169
• Federation of University Teachers' Associations of Venezuela (FAPUV); Confederation of Workers of Venezuela (CTV); General Confederation of Workers (CGT); National Union of Workers of Venezuela (UNETE); United Federation of Workers of Venezuela (CUTV); Confederation of Autonomous Trade Unions (CODESA); Independent Trade Union Alliance Confederation of Workers (CTASI)	26, 95, 100, 111, 155

Zambia

	on Conventions Nos
• Zambia Federation of Employers (ZFE)	100, 111

Appendix IV. Summary of information supplied by governments with regard to the obligation to submit the instruments adopted by the International Labour Conference to the competent authorities

Article 19 of the Constitution of the International Labour Organization prescribes, in paragraphs 5, 6 and 7 that Members shall bring the Conventions, Recommendations and Protocols adopted by the International Labour Conference before the competent authorities within a specific time period. Under the same provisions, the governments of Member States shall inform the Director-General of the International Labour Office of the measures taken to submit the instruments to the competent authorities, and also communicate particulars of the authority or authorities.

In accordance with article 23 of the Constitution, a summary of the information communicated by Member States in accordance with article 19 is submitted to the Conference.

At its 276th Session (November 1996), the Governing Body approved new measures to rationalize and simplify proceedings. As a result, the summarized information is presented in an appendix to the report of the Committee of Experts on the Application of Conventions and Recommendations.

The following summary contains the most recent information on the submission to the competent authorities of the Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), adopted at the 103rd Session of the Conference (June 2014), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), adopted at the 104th Session of the Conference (June 2015), the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), adopted by the Conference at its 106th Session (June 2017), the Violence and Harassment at Work Convention (No. 190) and Recommendation (No. 206), 2019, adopted at the 108th Session of the Conference, the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted by the Conference at its 111th Session (June 2023).

The summarized information includes communications that were forwarded to the Director-General of the International Labour Office after the closure of the 112th Session of the Conference (June 2024) and which could not therefore be laid before the Conference at that session.

Australia. On 28 November and 4 December 2023, Australia submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the House of Representatives and the Senate, respectively.

***Azerbaijan*.** On 17 October 2023, Azerbaijan submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Parliament (Milli Medjlis).

***Belgium*.** On 6 June 2024, Belgium submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Parliament.

Bolivia (Plurinational State of). On 1 November 2024, the Plurinational State of Bolivia submitted to the Plurinational Legislative Assembly the 31 instruments adopted by the Conference between its 80th and 108th Sessions (1993–2019).

***Cambodia*.** On 6 February 2024, Cambodia submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the National Assembly.

Democratic Republic of the Congo. On 12 June 2023, the Government submitted the ten instruments adopted by the Conference between its 99th and 108th Sessions (2010–19), to the Parliament.

***Eritrea*.** On 10 October 2024, Eritrea submitted to the Parliament the Protocol of 2014 to the Forced Labour Convention, 1930; the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203); the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204); the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205); the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019; and the Quality Apprenticeships Recommendation, 2023 (No. 208).

***Guatemala*.** On 30 January 2024, Guatemala submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Congress of the Republic.

***Ireland*.** On 16 July 2024, Ireland submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Dáil (Parliament) and the Seanad (Senate).

***Jamaica*.** On 21 May 2024, Jamaica submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Parliament. On 1 October 2024, the Government informed of the submission of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, to the Parliament on 4 March 2020.

***Japan*.** On 24 May 2024, Japan submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Diet.

***Lithuania*.** On 22 November 2023, Lithuania submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Seimas (Parliament). On 5 March 2024, the Government informed of the submission of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, to the Parliament (Seimas) of the Republic of Lithuania on 6 March 2020.

***Montenegro*.** On 11 and 13 September 2024, Montenegro submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention, (No. 191) and Recommendation (No. 207), 2023, as well as the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Parliament.

***Morocco*.** On 19 January 2024, Morocco submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208) to the Parliament.

***Mozambique*.** On 29 December 2023, Mozambique submitted the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), to the Assembly of the Republic.

***Nepal*.** On 20 October 2024, Nepal submitted to the Parliament the six instruments adopted by the Conference at its 103rd, 104th, 106th and 108th Sessions, as well as the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208).

New Zealand. On 26 February 2024, the Government informed of the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and

Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), on 21 August 2023, to the House of Representatives.

North Macedonia. On 21 March 2024, North Macedonia submitted the 31 instruments adopted by the Conference at the 17 sessions held from 1996 to 2023, to the Assembly of the Republic (Sobranie).

***Norway*.** On 6 October 2023, Norway submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Parliament. On 19 January 2024, the Government informed that the Violence and Harassment Recommendation, 2019 (No. 206) was submitted to the Parliament on 8 October 2019.

Paraguay. On 15 February 2024, the Government informed of the submission of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) to the National Congress on 27 September 2017. On 19 June 2024, Paraguay submitted the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019; the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023; and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Senate.

***Peru*.** On 18 May 2024, the Government informed of the submission of the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and the Violence and Harassment Recommendation, 2019 (No. 206), on 21 April 2023, to the Congress of the Republic of Peru.

***Philippines*.** On 15 May 2024, Philippines submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the House of Representatives and the Senate.

***Poland*.** On 9 May 2024, Poland submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023; and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Sejm of the Republic of Poland.

Russian Federation. On 18 October 2024, the Government provided information regarding the submission of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and the Violence and Harassment Convention, (No. 190) and Recommendation (No. 206), 2019, to the State Duma on 31 July 2019.

***Serbia*.** On 30 May 2024, Serbia submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the National Assembly.

***Slovakia*.** On 25 March 2024, the Government informed of the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), On 8 September 2023, to the National Council.

***Slovenia*.** On 18 March 2024, the Government informed of the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), on 24 October 2023, to the National Assembly.

***Switzerland*.** On 22 May 2024, the Government informed of the submission of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, on 19 September 2022, to the Parliament. On 8 October 2024, the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), were submitted to the Parliament.

***Togo*.** On 21 February 2024, the Government informed of the submission of the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), on 31 October 2023, to the National Assembly.

Trinidad and Tobago. Trinidad and Tobago submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the House of Representatives on 12 April 2024 and to the Senate on 16 April 2024.

***Türkiye*.** On 21 December 2023, Türkiye submitted the Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191) and Recommendation (No. 207), 2023 and the Quality Apprenticeships Recommendation, 2023 (No. 208), to the Turkish Grand National Assembly.

United Kingdom of Great Britain and Northern Ireland. On 2 May 2024, the Government informed the Office that, on 15 November 2021, the Violence and Harassment Recommendation, 2019 (No. 206) was submitted to the Parliament

Appendix V. Information supplied by governments with regard to the obligation to submit Conventions and Recommendations to the competent authorities
(31st to 112th Sessions of the International Labour Conference, 1948–2024)

Note. The number of the Convention or Recommendation is given in parentheses, preceded by the letter "C" or "R" as the case may be, when only some of the texts adopted at any one session have been submitted. The Protocols are indicated by the letter "P" followed by the number of the corresponding Convention. When the ratification of a Convention was registered, that Convention and the corresponding Recommendation are considered as submitted.

Account has been taken of the date of admission or readmission of Member States to the ILO for determining the sessions of the Conference whose texts are taken into consideration.

The Conference did not adopt any Conventions or Recommendations at its 57th Session (June 1972), 73rd Session (June 1987), 93rd Session (June 2005), 97th Session (June 2008), 98th Session (June 2009), 102nd Session (June 2013), 105th Session (June 2016), 107th Session (June 2018), 109th Session (June 2021), 110th Session (June 2022) and 112th Session (June 2024).

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Afghanistan	31-56, 58-72, 74-92, 94-96, 99-101, 103	**104, 106, 108, 111**
Albania	79-81, 82 (R183, C176), 83, 84 (R186, C178, P147), 85, 87, 88, 90 (P155), 91, 94, 95 (R197, C187), 108 (C190)	**78, 82 (P081), 84 (R185, R187, C179, C180), 86, 89, 90 (R193, R194), 92, 95 (R198), 96, 99-101, 103, 104, 106, 108 (R206), 111**
Algeria	47-56, 58-72, 74-92, 94-96, 99-101, 103	**104, 106, 108, 111**
Angola	61-72, 74-78, 79 (C173), 80, 81, 82 (R183, C176), 83-85, 87-90, 96	**79 (R180), 82 (P081), 86, 91, 92, 94, 95, 99-101, 103, 104, 106, 108, 111**
Antigua and Barbuda	68-72, 74-82, 83 (C177), 84, 85 (C181), 87, 88 (C183), 89 (C184), 90 (P155), 91, 94, 95 (C187), 96 (C188), 100, 103 (P029), 108 (C190)	**83 (R184), 85 (R188), 86, 88 (R191), 89 (R192), 90 (R193, R194), 92, 95 (R197, R198), 96 (R199), 99, 101, 103 (R203), 104, 106, 108 (R206), 111**
Argentina	31-56, 58-72, 74-90, 92, 94-96, 99-101, 103, 108 (C190)	**91, 104, 106, 108 (R206), 111**
Armenia	80-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Australia	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Austria	31-56, 58-72, 74-92, 94-96, 99, 101, 103, 108 (C190)	**100, 104, 106, 108 (R206), 111**
Azerbaijan	79-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Bahamas	61-72, 74-84, 87, 91, 94, 108 (C190)	**85, 86, 88-90, 92, 95, 96, 99-101, 103, 104, 106, 108 (R206), 111**
Bahrain	63-72, 74-87	**88-92, 94-96, 99-101, 103, 104, 106, 108, 111**
Bangladesh	58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Barbados	51-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Belarus	37-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Belgium	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Belize	68-72, 74-76, 84, 87, 88, 94	**77-83, 85, 86, 89-92, 95, 96, 99-101, 103, 104, 106, 108, 111**
Benin	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Bolivia (Plurinational State of)	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Bosnia and Herzegovina	80-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Botswana	64-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Brazil	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104	**106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Brunei Darussalam		**96, 99-101, 103, 104, 106, 108, 111**
Bulgaria	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Burkina Faso	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Burundi	47-56, 58-72, 74-92, 95, 96, 99-101, 103, 104, 106	**94, 108, 111**
Cabo Verde	65-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Cambodia	53-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Cameroon	44-56, 58-72, 74-92, 94-96, 101, 108	**99, 100, 103, 104, 106, 111**
Canada	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Central African Republic	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Chad	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Chile	31-56, 58-72, 74-82, 84 (C178, C179, C180, P147), 87, 94, 95 (R197, C187), 100, 103 (P029), 108	**83, 84 (R185, R186, R187), 85, 86, 88-92, 95 (R198), 96, 99, 101, 103 (R203), 104, 106, 111**
China	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Colombia	31-56, 58-72, 74-92, 94-96, 99-101, 103, 108	**104, 106, 111**
Comoros	65-72, 74-78, 87, 94, 103 (P029)	**79-86, 88-92, 95, 96, 99-101, 103 (R203), 104, 106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Congo	45-53, 54 (C131, C132), 55, 56, 58 (R146, C138), 59, 60 (R150, C142, C143), 61, 62, 63 (R157, C148, C149), 64-66, 67 (C154, C155, C156), 68 (C157, C158), 71 (C160, C161), 74, 75 (C167, C168), 76, 84, 87, 91, 94, 96	**54 (R135, R136), 58 (R145, C137), 60 (R149, R151, C141), 63 (R156), 67 (R163, R164, R165), 68 (R166, P110), 69, 70, 71 (R170, R171), 72, 75 (R175, R176), 77-83, 85, 86, 88-90, 92, 95, 99-101, 103, 104, 106, 108, 111**
Cook Islands	104, 106, 108	**111**
Costa Rica	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Côte d'Ivoire	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104	**106, 108, 111**
Croatia	80-85, 87, 88, 91, 94, 103, 104, 106, 108	**86, 89, 90, 92, 95, 96, 99-101, 111**
Cuba	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Cyprus	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Czechia	80-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Democratic Republic of the Congo	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Denmark	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Djibouti	64-72, 74-92, 94-96, 99-101, 103, 104	**106, 108, 111**
Dominica	68-72, 74-79, 87, 100 (C189)	**80-86, 88-92, 94-96, 99, 100 (R201), 101, 103, 104, 106, 108, 111**
Dominican Republic	31-56, 58-72, 74-92, 94, 95, 99, 100	**96, 101, 103, 104, 106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Ecuador	31-56, 58-72, 74-92, 94-96, 99-101, 103 (P029), 104, 108 (C190)	**103 (R203), 106, 108 (R206), 111**
Egypt	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
El Salvador	31-56, 58-61, 63 (C148, C149), 64, 67 (R164, R165, C154, C155, C156), 69 (R168, C159), 71, 72, 74-81, 87, 88 (C183), 90 (P155), 108 (C190)	**62, 63 (R156, R157), 65, 66, 67 (R163), 68, 69 (R167), 70, 82-86, 88 (R191), 89, 90 (R193, R194), 91, 92, 94-96, 99-101, 103, 104, 106, 108 (R206), 111**
Equatorial Guinea	67-72, 74-79, 84, 87	**80-83, 85, 86, 88-92, 94-96, 99-101, 103, 104, 106, 108, 111**
Eritrea	80-92, 94-96, 99-101, 103, 104, 106, 108, 111 (R208)	**111 (C191, R207)**
Estonia	79-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Eswatini	60-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Ethiopia	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104	**106, 108, 111**
Fiji	59-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Finland	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
France	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Gabon	45-56, 58-72, 74-81, 82 (C176), 83 (C177), 84, 85 (C181), 87, 89 (C184), 91, 94	**82 (R183, P081), 83 (R184), 85 (R188), 86, 88, 89 (R192), 90, 92, 95, 96, 99-101, 103, 104, 106, 108, 111**
Gambia	82-92, 94-96	**99-101, 103, 104, 106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Georgia	80-92, 94-96, 99-101	**103, 104, 106, 108, 111**
Germany	34-56, 58-72, 74-76, 77 (R177, C170), 78-92, 94-96, 99-101, 103, 104, 106, 108	**77 (R178, C171, P089), 111**
Ghana	40-56, 58-72, 74-92, 94-96, 99-101, 103 (P029), 104, 106, 108	**103 (R203), 111**
Greece	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Grenada	66-72, 74-92, 94, 95, 100 (C189)	**96, 99, 100 (R201), 101, 103, 104, 106, 108, 111**
Guatemala	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Guinea	43-56, 58-72, 74-83, 87, 95 (R197, C187), 100	**84-86, 88-92, 94, 95 (R198), 96, 99, 101, 103, 104, 106, 108, 111**
Guinea-Bissau	63-72, 74-88, 94, 106	**89-92, 95, 96, 99-101, 103, 104, 108, 111**
Guyana	50-56, 58-72, 74-92, 94, 95, 100	**96, 99, 101, 103, 104, 106, 108, 111**
Haiti	31-56, 58-66, 67 (R165, C156), 69-72, 74, 75 (C167), 87	**67 (R163, R164, C154, C155), 68, 75 (R175, R176, C168), 76-86, 88-92, 94-96, 99-101, 103, 104, 106, 108, 111**
Honduras	38-56, 58-72, 74-92, 94-96, 99-101, 103, 104	**106, 108, 111**
Hungary	31-56, 58-72, 74-92, 94-96	**99-101, 103, 104, 106, 108, 111**
Iceland	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
India	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Indonesia	33-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Iran (Islamic Republic of)	31-56, 58-72, 74-92, 94-96, 100, 101, 103, 104, 106, 108	**99, 111**
Iraq	31-56, 58-72, 74-87, 88 (C183), 89, 90 (P155), 91, 94, 95 (R197, C187), 96 (C188), 100 (C189)	**88 (R191), 90 (R193, R194), 92, 95 (R198), 96 (R199), 99, 100 (R201), 101, 103, 104, 106, 108, 111**
Ireland	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Israel	32-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Italy	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Jamaica	47-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Japan	35-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Jordan	39-56, 58-72, 74-92, 94-96, 99-101, 103	**104, 106, 108, 111**
Kazakhstan	80-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Kenya	48-56, 58-72, 74-92, 94-96, 99-101	**103, 104, 106, 108, 111**
Kiribati	88-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Kuwait	45-56, 58-72, 74-92, 94-96, 99-101, 103	**104, 106, 108, 111**
Kyrgyzstan	87, 89, 103 (P029), 108 (C190)	**79-86, 88, 90-92, 94-96, 99-101, 103 (R203), 104, 106, 108 (R206), 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Lao People's Democratic Republic	48-56, 58-72, 74-81, 82 (R183, C176), 83-92, 94-96, 99, 100, 103	**82 (P081), 101, 104, 106, 108, 111**
Latvia	79-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Lebanon	32-56, 58-72, 74-92, 94-96	**99-101, 103, 104, 106, 108, 111**
Lesotho	66-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Liberia	31-56, 58-72, 74-76, 77 (R177, R178, C170, C171), 78-81, 82 (R183, C176), 83-87, 91, 94	**77 (P089), 82 (P081), 88-90, 92, 95, 96, 99-101, 103, 104, 106, 108, 111**
Libya	35-56, 58-72, 74-82, 87	**83-86, 88-92, 94-96, 99-101, 103, 104, 106, 108, 111**
Lithuania	79-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Luxembourg	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Madagascar	45-56, 58-72, 74-91, 94-96, 100, 103 (P029)	**92, 99, 101, 103 (R203), 104, 106, 108, 111**
Malawi	49-56, 58-72, 74-92, 94-96, 103 (P029)	**99-101, 103 (R203), 104, 106, 108, 111**
Malaysia	41-56, 58-72, 74-92, 94, 95 (R197, C187), 103 (P029)	**95 (R198), 96, 99-101, 103 (R203), 104, 106, 108, 111**
Maldives	99-101, 103, 104, 106, 108	**111**
Mali	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Malta	49-56, 58-72, 74-92, 94, 95, 100 (C189), 103 (P029)	**96, 99, 100 (R201), 101, 103 (R203), 104, 106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Marshall Islands	99-101, 103, 104, 106, 108	**111**
Mauritania	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Mauritius	53-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Mexico	31-56, 58-72, 74-92, 94, 95 (R197, R198), 96 (R199), 99-101, 103, 104, 106, 108	**95 (C187), 96 (C188), 111**
Mongolia	52-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Montenegro	96, 99-101, 103, 104, 106, 108, 111	
Morocco	39-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Mozambique	61-72, 74-82, 84-90, 92, 94-96, 99-101, 103, 104, 106, 108 (C190)	**83, 91, 108 (R206), 111**
Myanmar	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Namibia	65-72, 74-92, 94-96, 99-101, 103 (P029), 104, 106, 108 (C190)	**103 (R203), 108 (R206), 111**
Nepal	51-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Netherlands	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
New Zealand	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Nicaragua	40-56, 58-72, 74-92, 94-96, 99-101, 103	**104, 106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Niger	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Nigeria	45-56, 58-72, 74-92, 94, 95, 100, 104, 108 (C190)	**96, 99, 101, 103, 106, 108 (R206), 111**
North Macedonia	80-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Norway	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Oman	81-92, 94, 95 (R197, R198), 99	**95 (C187), 96, 100, 101, 103, 104, 106, 108, 111**
Pakistan	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Palau		**101, 103, 104, 106, 108, 111**
Panama	31-56, 58-72, 74-88, 89 (R192), 90 (R193, R194), 92, 94, 95 (R197, R198), 96 (R199), 99-101, 103, 104, 106, 108	**89 (C184), 90 (P155), 91, 95 (C187), 96 (C188), 111**
Papua New Guinea	61-72, 74-87, 108 (C190)	**88-92, 94-96, 99-101, 103, 104, 106, 108 (R206), 111**
Paraguay	40-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Peru	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Philippines	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Poland	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Portugal	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Qatar	58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	111
Republic of Korea	79-92, 94-96, 99-101, 103, 104, 106, 108	111
Republic of Moldova	79-91, 95 (R197, C187), 104, 108 (C190)	92, 94, 95 (R198), 96, 99-101, 103, 106, 108 (R206), 111
Romania	39-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 108 (C190)	106, 108 (R206), 111
Russian Federation	37-56, 58-72, 74-88, 91, 94, 95 (R197, C187), 103, 104, 106, 108	89, 90, 92, 95 (R198), 96, 99-101, 111
Rwanda	47-56, 58-72, 74-79, 81, 85, 87, 95 (R197, C187), 108 (C190)	80, 82-84, 86, 88-92, 94, 95 (R198), 96, 99-101, 103, 104, 106, 108 (R206), 111
Saint Kitts and Nevis	84, 87, 94	83, 85, 86, 88-92, 95, 96, 99-101, 103, 104, 106, 108, 111
Saint Lucia	67 (R163, C154, C155), 68 (R166, C158), 87, 90 (P155)	66, 67 (R164, R165, C156), 68 (C157, P110), 69-72, 74-86, 88, 89, 90 (R193, R194), 91, 92, 94-96, 99-101, 103, 104, 106, 108, 111
Saint Vincent and the Grenadines	84, 86, 87, 94	82, 83, 85, 88-92, 95, 96, 99-101, 103, 104, 106, 108, 111
Samoa	94-96, 99-101, 103, 104, 106, 108 (C190)	108 (R206), 111
San Marino	68-72, 74-92, 94-96, 99-101, 108 (C190)	103, 104, 106, 108 (R206), 111
Sao Tome and Principe	68-72, 74-92, 94-96, 99-101	103, 104, 106, 108, 111
Saudi Arabia	61-72, 74-92, 94-96, 99-101, 103 (P029)	103 (R203), 104, 106, 108, 111
Senegal	45-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	111

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Serbia	89-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Seychelles	63-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Sierra Leone	45-56, 58-61, 62 (R153, R155, C145, C147), 64 (C150), 67 (C155), 71 (C160), 85 (C181), 94, 95 (C187), 100 (C189), 103 (P029)	**62 (R154, C146), 63, 64 (R158, R159, C151), 65, 66, 67 (R163, R164, R165, C154, C156), 68-70, 71 (R170, R171, C161), 72, 74-84, 85 (R188), 86-92, 95 (R197, R198), 96, 99, 100 (R201), 101, 103 (R203), 104, 106, 108, 111**
Singapore	50-56, 58-72, 74-92, 94-96, 99-101, 104	**103, 106, 108, 111**
Slovakia	80-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Slovenia	79-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Solomon Islands	74, 87	**70-72, 75-86, 88-92, 94-96, 99-101, 103, 104, 106, 108, 111**
Somalia	45-56, 58-72, 74, 75, 85 (C181), 87, 95 (C187), 108 (C190)	**76-84, 85 (R188), 86, 88-92, 94, 95 (R197, R198), 96, 99-101, 103, 104, 106, 108 (R206), 111**
South Africa	81, 82 (R183, C176), 83-92, 94-96, 99-101, 108 (C190)	**103, 104, 106, 108 (R206), 111**
South Sudan		**101, 103, 104, 106, 108, 111**
Spain	39-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Sri Lanka	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Sudan	39-56, 58-72, 74-92, 94-96, 99-101, 103, 104	**106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	**Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)**
Suriname	61-72, 74-92, 94-96, 99-101, 103	**104, 106, 108, 111**
Sweden	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Switzerland	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Syrian Arab Republic	31-56, 58-65, 67, 68, 69 (R167, C159), 71, 72, 74-76, 77 (R177, C170), 84, 87-89, 90 (P155), 94	**66, 69 (R168), 70, 77 (R178, C171, P089), 78-83, 85, 86, 90 (R193, R194), 91, 92, 95, 96, 99-101, 103, 104, 106, 108, 111**
Tajikistan	81-92, 94-96, 99-101, 103 (P029)	**103 (R203), 104, 106, 108, 111**
Thailand	31-56, 58-72, 74-92, 94-96, 99, 100 (R201), 101, 103, 104	**100 (C189), 106, 108, 111**
Timor-Leste	92, 94-96	**99-101, 103, 104, 106, 108, 111**
Togo	44-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Tonga		**106, 108, 111**
Trinidad and Tobago	47-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Tunisia	39-56, 58-72, 74-92, 94-96, 99-101, 103, 104	**106, 108, 111**
Türkiye	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108, 111	
Turkmenistan	81-92, 94-96, 99-101, 103, 104, 106	**108, 111**
Tuvalu		**99-101, 103, 104, 106, 108, 111**

	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Uganda	47-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 108 (C190)	**106, 108 (R206), 111**
Ukraine	37-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
United Arab Emirates	58-72, 74-92, 95, 96	**94, 99-101, 103, 104, 106, 108, 111**
United Kingdom of Great Britain and Northern Ireland	31-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
United Republic of Tanzania	46-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106	**108, 111**
United States of America	66-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Uruguay	31-56, 58-72, 74-89, 90 (R193, R194), 91, 92, 94, 95 (R197, R198), 96, 99-101, 103, 104, 106, 108	**90 (P155), 95 (C187), 111**
Uzbekistan	80-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Vanuatu		**91, 92, 94-96, 99-101, 103, 104, 106, 108, 111**
Venezuela (Bolivarian Republic of)	41-56, 58-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Viet Nam	79-92, 94-96, 99-101, 103, 104, 106, 108	**111**
Yemen	49-56, 58-72, 74-87, 88 (C183), 89 (C184), 91, 95 (C187)	**88 (R191), 89 (R192), 90, 92, 94, 95 (R197, R198), 96, 99-101, 103, 104, 106, 108, 111**
Zambia	49-56, 58-72, 74-92, 94-96, 108 (C190)	**99-101, 103, 104, 106, 108 (R206), 111**
Zimbabwe	66-72, 74-92, 94-96, 99-101, 103, 104, 106, 108	**111**

Appendix VI. Overall position of Member States with regard to the submission to the competent authorities of the instruments adopted by the Conference (as at 7 December 2024)

Sessions of the ILC		Number of States in which, according to the information supplied by the Government:			Number of ILO member States at the time of the session
		All the instruments have been submitted	Some of the instruments have been submitted	None of the instruments have been submitted	
All the instruments adopted between the 31st and the 53rd Sessions have been submitted to the competent authorities by member States					
54th	**(June 1970)**	119	1	0	**120**
55th	**(October 1970)**	120	0	0	**120**
56th	(June 1971)	120	0	0	**120**
58th	(June 1973)	122	1	0	**123**
59th	**(June 1974)**	125	0	0	**125**
60th	(June 1975)	125	1	0	**126**
61st	(June 1976)	131	0	0	**131**
62nd	**(October 1976)**	129	1	1	**131**
63rd	(June 1977)	131	2	1	**134**
64th	(June 1978)	134	1	0	**135**
65th	(June 1979)	135	0	2	**137**
66th	(June 1980)	138	0	4	**142**
67th	**(June 1981)**	138	5	0	**143**
68th	(June 1982)	142	2	3	**147**
69th	(June 1983)	143	2	3	**148**
70th	**(June 1984)**	143	0	6	**149**
71st	(June 1985)	145	2	2	**149**
72nd	(June 1986)	145	0	4	**149**
74th	**(October 1987)**	147	0	2	**149**
75th	(June 1988)	144	2	3	**149**
76th	**(June 1989)**	142	0	5	**147**
77th	(June 1990)	137	3	7	**147**
78th	(June 1991)	140	0	9	**149**
79th	**(June 1992)**	145	1	10	**156**
80th	(June 1993)	154	0	13	**167**
81st	(June 1994)	159	0	12	**171**
82nd	**(June 1995)**	152	6	15	**173**
83rd	(June 1996)	153	2	19	**174**
84th	(October 1996)	160	2	12	**174**
85th	**(June 1997)**	153	4	17	**174**
86th	(June 1998)	150	0	24	**174**
87th	**(June 1999)**	173	0	1	**174**
88th	(June 2000)	150	4	21	**175**
89th	(June 2001)	146	4	25	**175**

Sessions of the ILC		Number of States in which, according to the information supplied by the Government:			Number of ILO member States at the time of the session
		All the instruments have been submitted	Some of the instruments have been submitted	None of the instruments have been submitted	
90th	(June 2002)	142	8	25	**175**
91st	(June 2003)	150	0	26	**176**
92nd	(June 2004)	142	0	35	**177**
94th	(February 2006)	159	0	19	**178**
95th	(June 2006)	139	16	23	**178**
96th	(June 2007)	136	4	38	**178**
99th	(June 2010)	132	0	51	**183**
100th	(June 2011)	136	6	41	**183**
101st	(June 2012)	131	0	54	**185**
103rd	(June 2014)	122	14	49	**185**
104th	(June 2015)	119	0	67	**186**
106th	(June 2017)	106	0	81	**187**
108th	(June 2019)	93	21	73	**187**
111th	(June 2023)	27	1	159	**187**

Appendix VII. Comments made by the Committee, by country

The comments referred to below have been drawn up in the form of either "observations", which are reproduced in this report, or "direct requests", which are not published but are communicated directly to the governments concerned. This table also lists acknowledgements by the Committee of responses received to direct requests.

Afghanistan	**General observation** **Observations on Conventions Nos 111, 138, 182** *Direct requests on Conventions Nos 105, 137, 138, 140, 141, 142, 144, 159, 182* *Direct request on submission*
Albania	**Observations on Conventions Nos 81, 129, 138, 182** *Direct requests on Conventions Nos 81, 100, 111, 129, 144, 182, 183, 185* **Observation on submission**
Algeria	**Observations on Conventions Nos 87, 98, 138, 182** *Direct request on Convention No. 182* *Direct request on submission*
Angola	*Direct requests on Conventions Nos 87, 144, 188* **Observation on submission**
Antigua and Barbuda	**General observation** **Observations on Conventions Nos 100, 111, 138, 144, 151** *Direct requests on Conventions Nos 81, 87, 94, 100, 111, 122, 135, 142, 158* **Observation on submission**
Argentina	**Observation on Convention No. 177** *Direct requests on Conventions Nos 177, 188, 189, 190* *Direct request on submission*
Armenia	**Observation on Convention No. 122** *Direct request on Convention No. 144* *Direct request on submission*
Australia	**Observation on Convention No. 122** *Direct requests on Conventions Nos 122, MLC*
Austria	*Direct request on Convention No. 172* *Direct request on submission*
Azerbaijan	**Observation on Convention No. 98** *Direct requests on Conventions Nos 87, 144, 149*
Bahamas	**Observations on Conventions Nos 87, 98** *Direct requests on Conventions Nos 185, MLC* **Observation on submission**
Bahrain	**Observation on submission**
Bangladesh	*General direct request* **Observations on Conventions Nos 81, 144** *Direct requests on Conventions Nos 81, 144, 149* *Direct request on submission*
Barbados	**General observation** **Observations on Conventions Nos 87, 98, 108, 182** *Direct requests on Conventions Nos 29, 81, 87, 94, 98, 105, 122, 144, 182, MLC* *Direct request on submission*
Belarus	**Observations on Conventions Nos 87, 98, 144** *Direct request on Convention No. 32* *Direct request on submission*
Belgium	*Direct requests on Conventions Nos 138, 182*

Belize	*General direct request* **Observations on Conventions Nos 87, 98, 105, 138, 182** *Direct requests on Conventions Nos 29, 88, 94, 105, 140, 144, 182, MLC* **Observation on submission**
Benin	**Observation on Convention No. 143** *Direct requests on Conventions Nos 143, 144* *Direct request on submission*
Bolivia (Plurinational State of)	**Observations on Conventions Nos 162, 167, 189** *Direct requests on Conventions Nos 136, 162, 167, 189* **Observation on submission**
Bosnia and Herzegovina	**Observation on Convention No. 177** *Direct requests on Conventions Nos 144, 177* *Direct request on submission*
Botswana	**Observation on Convention No. 144** *Direct request on submission*
Brazil	**Observations on Conventions Nos 122, 169** *Direct requests on Conventions Nos 122, 125, 126, 137, 140, 144, 152, 169, 185* *Direct request on submission*
Brunei Darussalam	*General direct request* *Direct requests on Conventions Nos 138, 182* **Observation on submission**
Bulgaria	**Observation on Convention No. 177** *Direct request on submission*
Burkina Faso	**Observations on Conventions Nos 138, 182** *Direct requests on Conventions Nos 138, 144, 182* *Direct request on submission*
Burundi	*General direct request* **Observations on Conventions Nos 29, 81, 94, 100, 105, 111, 138, 182** *Direct requests on Conventions Nos 29, 100, 105, 111, 138, 182* *Direct request on submission*
Cabo Verde	*Direct request on Convention No. 144* *Direct request on submission*
Cambodia	**Observations on Conventions Nos 87, 98**
Cameroon	**Observations on Conventions Nos 77, 78, 87, 98, 122, 138, 182** *Direct requests on Conventions Nos 122, 144, 155, 182* *Direct request on submission*
Canada	*Direct request on Convention No. 144* *Direct request on submission*
Central African Republic	*General direct request* **Observation on Convention No. 144** *Direct request on Convention No. 158* *Direct request on submission*
Chad	**Observations on Conventions Nos 14, 29, 87, 95, 102, 111, 132, 138, 144, 151, 182** *Direct requests on Conventions Nos 13, 29, 81, 87, 98, 100, 102, 105, 111, 122, 138, 182* *Direct request on submission*
Chile	*Direct requests on Conventions Nos 35, 37, 144* **Observation on submission**
China	**Observations on Conventions Nos 29, 105, 122, 138, 182** *Direct requests on Conventions Nos 29, 105, 122, 138, 144, 182* *Direct request on submission*

Hong Kong Special Administrative Region	**Observation on Convention No. 144** *Direct requests on Conventions Nos 122, 160*
Macau Special Administrative Region	*Direct requests on Conventions Nos 122, 144*
Colombia	**Observations on Conventions Nos 6, 29, 138, 182** *Direct request on Convention No. 182* *Direct request on submission*
Comoros	**General observation** **Observations on Conventions Nos 13, 26, 77, 78, 95, 98, 99, 122, 138** *Direct requests on Conventions Nos 1, 29, 52, 81, 87, 89, 98, 100, 105, 111, 138, 144, 182* **Observation on submission**
Congo	**General observation** **Observations on Conventions Nos 152, MLC, 188** *Direct requests on Conventions Nos 26, 95, 105, 144, 149, 185, MLC, 188* **Observation on submission**
Cook Islands	*General direct request* *Direct requests on Conventions Nos 29, 105, 144, 182, MLC* *Direct request on submission*
Costa Rica	**Observation on Convention No. 182** *Direct requests on Conventions Nos 138, 182* *Direct request on submission*
Côte d'Ivoire	**Observations on Conventions Nos 138, 144, 182** *Direct request on Convention No. 182* *Direct request on submission*
Croatia	*General direct request* *Direct requests on Conventions Nos 29, 144, 182* **Observation on submission**
Cuba	*General direct request* *Direct requests on Conventions Nos 29, 105, 122, 138, 182* *Direct request on submission*
Cyprus	*Direct request on Convention No. 144* *Direct request on submission*
Czechia	**Observations on Conventions Nos 1, 111** *Direct requests on Conventions Nos 14, 100, 102, 111, 128, 130, 144, 171* *Response received to a direct request on Convention No. 132*
Democratic Republic of the Congo	**Observations on Conventions Nos 14, 87, 98, 138, 182** *Direct requests on Conventions Nos 135, 182* **Observation on submission**
Denmark	*Direct request on Convention No. 144* *Direct request on submission*
Greenland	*Direct requests on Conventions Nos 122, 138, 182*
Djibouti	**General observation** **Observations on Conventions Nos 26, 87, 95, 98, 99, 122, 138, 144, 182** *Direct requests on Conventions Nos 1, 13, 14, 29, 52, 87, 89, 101, 105, 106, 115, 120, 138, 182* *Direct request on submission*
Dominica	**Observations on Conventions Nos 22, 87, 108, 135, 138, 147, 182** *Direct requests on Conventions Nos 98, 182* **Observation on submission**
Dominican Republic	**Observations on Conventions Nos 77, 79, 90, 138, 144, 182** *Direct requests on Conventions Nos 29, 105, 138, 182* *Direct request on submission*

Ecuador	**Observations on Conventions Nos 29, 87, 98, 138, 182** *Direct requests on Conventions Nos 87, 105, 115, 119, 136, 139, 148, 162, 182* *Direct request on submission*
Egypt	**Observations on Conventions Nos 87, 144** *Direct request on submission*
El Salvador	*General direct request* **Observations on Conventions Nos 87, 98, 151** *Direct requests on Conventions Nos 88, 122, 135, 141, 142, 154* **Observation on submission**
Equatorial Guinea	**General observation** *Direct requests on Conventions Nos 29, 68, 92, 105, 138, 182* **Observation on submission**
Eritrea	**Observation on Convention No. 98** *Direct request on submission*
Estonia	*Direct request on Convention No. 122* *Direct request on submission*
Eswatini	**Observations on Conventions Nos 87, 144** *Direct request on Convention No. 160* *Direct request on submission*
Ethiopia	*General direct request* **Observations on Conventions Nos 87, 100, 105, 111, 138, 182** *Direct requests on Conventions Nos 29, 87, 100, 105, 111, 144, 182* *Direct request on submission*
Fiji	**Observations on Conventions Nos 87, 98, 182** *Direct requests on Conventions Nos 29, 122, 138, 182* *Direct request on submission*
Finland	*Direct requests on Conventions Nos 124, 138, 160, 182* *Direct request on submission*
France	*Direct requests on Conventions Nos 77, 78, 138, 144, 182, 184* *Direct request on submission*
French Polynesia	*Response received to a direct request on Convention No. 29*
New Caledonia	*Direct request on Convention No. 87*
Gabon	**Observations on Conventions Nos 87, 100, 111** *Direct requests on Conventions Nos 87, 98, 100, 111, 144, 155, 161, 167* **Observation on submission**
Gambia	*General direct request* **Observations on Conventions Nos 87, 98, 111, 138** *Direct requests on Conventions Nos 87, 98, 100, 111, 138* **Observation on submission**
Georgia	**Observations on Conventions Nos 87, 98, 181** *Direct requests on Conventions Nos 88, 117, 122, 142, 181* *Response received to a direct request on Convention No. 52* *Direct request on submission*
Germany	**Observations on Conventions Nos 87, 98, 100, 111** *Direct requests on Conventions Nos 81, 88, 100, 102, 111, 115, 121, 122, 128, 129, 130, 140, 144, 159, 161, 162, 167, 170, 176, 183, 187* *Response received to direct requests on Conventions Nos. 26, 99, 132, 139* *Direct request on submission*
Ghana	**Observations on Conventions Nos 81, 87, 94, 98, 103, 115** *Direct requests on Conventions Nos 1, 14, 30, 81, 88, 89, 94, 96, 103, 106, 115, 117, 119, 120, 148, 150, 184* *Direct request on submission*

Greece	**Observations on Conventions Nos 100, 111** *Direct requests on Conventions Nos 88, 100, 111, 122, 142, 159, 187, 190* *Direct request on submission*
Grenada	**Observation on Convention No. 87** *Direct requests on Conventions Nos 87, 98* **Observation on submission**
Guatemala	**Observations on Conventions Nos 81, 87, 94, 98, 103, 129, 141, 162** *Direct requests on Conventions Nos 1, 13, 14, 19, 30, 81, 87, 88, 89, 103, 106, 117, 127, 129, 131, 148, 161, 167, 175* *Response received to direct requests on Conventions Nos. 101, 118*
Guinea	**Observations on Conventions Nos 81, 87, 94, 105, 111, 115, 118, 121, 140, 142** *Direct requests on Conventions Nos 3, 26, 89, 98, 99, 105, 111, 117, 118, 121, 122, 150, 159, 167, 176, 187* **Observation on submission**
Guinea-Bissau	*General direct request* **Observations on Conventions Nos 26, 98, 100, 111** *Direct requests on Conventions Nos 12, 17, 18, 19, 81, 98, 100, 111* **Observation on submission**
Guyana	**Observations on Conventions Nos 42, 81, 98, 100, 111, 115, 129, 136, 139, 140** *Direct requests on Conventions Nos 2, 19, 29, 81, 87, 94, 100, 111, 115, 129, 136, 139, 140, 142, 150, 155, 175* **Observation on submission**
Haiti	**General observation** **Observations on Conventions Nos 12, 17, 24, 25, 42, 81, 87, 98** *Direct requests on Conventions Nos 19, 100, 111* **Observation on submission**
Honduras	**Observations on Conventions Nos 42, 81, 87, 98, 100** *Direct requests on Conventions Nos 14, 81, 100, 102, 106, 111, 127* *Response received to a direct request on Convention No. 95* *Direct request on submission*
Hungary	**Observations on Conventions Nos 87, 98, 111** *Direct requests on Conventions Nos 88, 98, 100, 111, 140, 142, 144, 159, 181* **Observation on submission**
Iceland	**Observation on Convention No. 111** *Direct requests on Conventions Nos 100, 111, 155, 187* *Direct request on submission*
India	**Observations on Conventions Nos 100, 111** *Direct requests on Conventions Nos 100, 111* *Direct request on submission*
Indonesia	**Observations on Conventions Nos 81, 87, 98, 100, 106, 111** *Direct requests on Conventions Nos 19, 81, 100, 111, 120, 187* *Direct request on submission*
Iran (Islamic Republic of)	**Observations on Conventions Nos 100, 111** *Direct request on Convention No. 100* *Direct request on submission*
Iraq	**General observation** **Observations on Conventions Nos 29, 87, 98, 111, 138, 182** *Direct requests on Conventions Nos 29, 95, 100, 105, 111, 182, 187* **Observation on submission**
Ireland	**Observations on Conventions Nos 14, 102, 111, 121** *Direct requests on Conventions Nos 14, 88, 96, 98, 100, 102, 111, 122, 142, 159*

Israel	*General direct request* **Observations on Conventions Nos 94, 100, 111, 181** *Direct requests on Conventions Nos 81, 95, 100, 111, 117, 118, 122, 144, 181* *Direct request on submission*
Italy	**Observations on Conventions Nos 81, 87, 102, 111, 118, 129** *Direct requests on Conventions Nos 81, 94, 100, 102, 111, 117, 118, 129, 150, 190* *Direct request on submission*
Jamaica	**Observations on Conventions Nos 87, 94, 98, 100, 117** *Direct requests on Conventions Nos 87, 100, 111*
Japan	**Observations on Conventions Nos 81, 87, 98, 115, 162** *Direct requests on Conventions Nos 81, 102, 105, 115, 119, 120, 121, 139, 144, 162, 187* *Response received to a direct request on Convention No. 131*
Jordan	**Observations on Conventions Nos 98, 100, 111** *Direct requests on Conventions Nos 100, 102, 105, 111, 117, 122, 124, 159, MLC* *Direct request on submission*
Kazakhstan	**Observations on Conventions Nos 26, 81, 87, 95, 98, 100, 111, 129, 162** *Direct requests on Conventions Nos 81, 88, 95, 100, 111, 122, 129, 148, 155, 162, 167, 175, 183, 187* *Direct request on submission*
Kenya	*General direct request* **Observations on Conventions Nos 17, 81, 105, 129** *Direct requests on Conventions Nos 81, 98, 99, 100, 105, 111, 129, 131, 142, 144, 185* *Direct request on submission*
Kiribati	*General direct request* *Direct requests on Conventions Nos 87, 98, 100, 144* *Direct request on submission*
Kuwait	**Observations on Conventions Nos 87, 98** *Direct requests on Conventions Nos 87, 98, 159* **Observation on submission**
Kyrgyzstan	**Observation on Convention No. 81** *Direct requests on Conventions Nos 81, 100, 111, 122, 142, 159* **Observation on submission**
Lao People's Democratic Republic	**Observation on Convention No. 111** *Direct request on Convention No. 111* *Direct request on submission*
Latvia	*Direct requests on Conventions Nos 81, 87, 98, 122, 129, 149, 155*
Lebanon	**Observations on Conventions Nos 1, 30, 81, 88, 98, 106, 115, 139, 170, 174** *Direct requests on Conventions Nos 1, 30, 52, 81, 88, 89, 95, 106, 115, 120, 122, 127, 131, 136, 139, 142, 148, 170, 176, MLC* **Observation on submission**
Lesotho	**Observations on Conventions Nos 81, 87, 155** *Direct requests on Conventions Nos 81, 87, 98, 155* *Direct request on submission*
Liberia	*General direct request* **Observations on Conventions Nos 87, 98** *Direct requests on Conventions Nos 81, 144, 150* **Observation on submission**
Libya	*General direct request* **Observations on Conventions Nos 29, 105, 111, 122, 182** *Direct requests on Conventions Nos 29, 52, 87, 89, 98, 100, 105, 111, 122, 138, 182* **Observation on submission**

Lithuania	*General direct request* **Observations on Conventions Nos 81, 100, 111** *Direct requests on Conventions Nos 81, 87, 98, 100, 111, 122, 144, 149, 156*
Luxembourg	**Observation on Convention No. 111** *Direct requests on Conventions Nos 87, 100, 111, 122, 144, 151, 155, 187* *Response received to a direct request on Convention No. 135* *Direct request on submission*
Madagascar	**Observations on Conventions Nos 81, 87, 98, 100, 111, 129** *Direct requests on Conventions Nos 81, 97, 100, 111, 129, 143, 151, 154* *Direct request on submission*
Malawi	**Observations on Conventions Nos 81, 129, 155, 184, 187** *Direct requests on Conventions Nos 81, 87, 98, 129, 155, 184, 187* **Observation on submission**
Malaysia	**Observations on Conventions Nos 98, 100** *Direct requests on Conventions Nos 81, 98, 100, MLC, 187* **Observation on submission**
Sabah	**Observation on Convention No. 97** *Direct request on Convention No. 97*
Maldives	*Direct requests on Conventions Nos 100, 111, MLC* *Direct request on submission*
Mali	**Observations on Conventions Nos 98, 151** *Direct requests on Conventions Nos 87, 100, 111, 122* *Direct request on submission*
Malta	**Observations on Conventions Nos 87, 98** *Direct requests on Conventions Nos 29, 81, 129* **Observation on submission**
Marshall Islands	**General observation** *Direct request on submission*
Mauritania	**Observations on Conventions Nos 81, 87, 98, 111** *Direct requests on Conventions Nos 81, 111, 143* *Direct request on submission*
Mauritius	**Observations on Conventions Nos 87, 98, 154** *Direct requests on Conventions Nos 11, 81, 87, 155, MLC, 187, 189, 190* *Direct request on submission*
Mexico	**Observations on Conventions Nos 87, 169** *Direct requests on Conventions Nos 87, 98, 135, 169, 189* *Direct request on submission*
Mongolia	*Direct requests on Conventions Nos 122, 181, MLC* *Direct request on submission*
Montenegro	*General direct request* **Observations on Conventions Nos 81, 87, 98, 100, 129, 182** *Direct requests on Conventions Nos 11, 29, 81, 98, 100, 105, 111, 114, 126, 129, 144, 151, 152, 155, 156, 182, 185, MLC, 187*
Morocco	**Observations on Conventions Nos 81, 98, 100, 111, 129** *Direct requests on Conventions Nos 81, 97, 100, 111, 122, 129, 151, 154, 187*
Mozambique	**Observations on Conventions Nos 81, 87, 98, 100, 105, 111** *Direct requests on Conventions Nos 81, 87, 98, 100, 105, 111* **Observation on submission**
Myanmar	**Observations on Conventions Nos 29, 87** *Direct request on submission*

Namibia	**Observations on Conventions Nos 87, 98, 111** *Direct requests on Conventions Nos 100, 111, 151, 189* *Direct request on submission*
Nepal	**Observations on Conventions Nos 98, 169** *Direct request on Convention No. 169* **Observation on submission**
Netherlands	**Observations on Conventions Nos 81, 98, 129, 177** *Direct requests on Conventions Nos 81, 87, 122, 129, 135, 141, 151, 155* *Direct request on submission*
Aruba	*Direct requests on Conventions Nos 29, 81, 105, 135, 144*
Caribbean Part of the Netherlands	*Direct requests on Conventions Nos 81, 172, 182* *Response received to a direct request on Convention No. 87*
Curaçao	*Direct requests on Conventions Nos 81, 151, 172, MLC*
Sint Maarten	**Observation on Convention No. 87** *Direct requests on Conventions Nos 29, 81*
New Zealand	**Observations on Conventions Nos 98, 100** *Direct requests on Conventions Nos 81, 97, 100, 111, 155*
Tokelau	*Direct requests on Conventions Nos 100, 111*
Nicaragua	**Observations on Conventions Nos 87, 98, 144, 169** *Direct requests on Conventions Nos 110, 122, 169, 189* *Direct request on submission*
Niger	**Observations on Conventions Nos 81, 87, 98, 100, 122, 154, 155, 156** *Direct requests on Conventions Nos 81, 87, 100, 111, 122, 155, 187* *Direct request on submission*
Nigeria	*General direct request* **Observations on Conventions Nos 81, 87, 98, 144** *Direct requests on Conventions Nos 81, 155, MLC* *Direct request on submission*
North Macedonia	**Observations on Conventions Nos 24, 25, 87, 98, 100, 111** *Direct requests on Conventions Nos 97, 100, 111, 122, 143, 144, 151, 154, 156* *Response received to a direct request on Convention No. 141* **Observation on submission**
Norway	**Observation on Convention No. 169** *Direct requests on Conventions Nos 81, 129, 155, 169, 187* *Response received to a direct request on Convention No. 149*
Oman	**Observations on Conventions Nos 29, 105, 138** *Direct requests on Conventions Nos 29, 182, MLC* **Observation on submission**
Pakistan	**Observations on Conventions Nos 29, 81, 105** *Direct requests on Conventions Nos 29, 32, 81, 185* *Direct request on submission*
Palau	*General direct request* *Direct request on the MLC* **Observation on submission**
Panama	**Observations on Conventions Nos 32, 71, 122** *Direct requests on Conventions Nos 29, 108, 113, 122, 125, 126, 129, 183, MLC* *Direct request on submission*
Papua New Guinea	**General observation** **Observations on Conventions Nos 98, 100, 111, 138, 158, 182** *Direct requests on Conventions Nos 22, 27, 29, 87, 103, 105, 111, 122, 138, 182* **Observation on submission**

Paraguay	**Observations on Conventions Nos 29, 81, 189** *Direct requests on Conventions Nos 29, 81, 189* **Observation on submission**
Peru	**Observations on Conventions Nos 22, 23, 29, 55, 56, 58, 68, 69, 71, 81, 100, 105, 111, 112, 113, 114, 147, 169** *Direct requests on Conventions Nos 27, 29, 81, 100, 105, 111, 122, 152, 169, 189* *Direct request on submission*
Philippines	**Observations on Conventions Nos 29, 87, 105, 110** *Direct requests on Conventions Nos 105, 122, 185, MLC, 189*
Poland	**Observations on Conventions Nos 81, 129, 144** *Direct requests on Conventions Nos 29, 81, 108, 129, 137, 144, 188*
Portugal	*Direct requests on Conventions Nos 29, 29, 108, 122, 188* *Direct request on submission*
Qatar	**Observations on Conventions Nos 29, 81, 105** *Direct requests on Conventions Nos 29, 81* *Direct request on submission*
Republic of Korea	**Observations on Conventions Nos 87, 122** *Direct requests on Conventions Nos 87, 88, 98, 159* *Direct request on submission*
Republic of Moldova	**Observations on Conventions Nos 98, 111** *Direct requests on Conventions Nos 87, 97, 100, 111, 161* **Observation on submission**
Romania	**Observations on Conventions Nos 1, 81, 111, 129, 135** *Direct requests on Conventions Nos 13, 14, 81, 95, 100, 102, 108, 111, 127, 129, 131, 136, 137, 150, 154, 168, 183, MLC* *Response received to a direct request on Convention No. 89* *Direct request on submission*
Russian Federation	**Observations on Conventions Nos 14, 29, 47, 81, 87, 105, 106, 132, 138, 182** *Direct requests on Conventions Nos 13, 29, 95, 102, 103, 105, 115, 119, 120, 139, 144, 148, 150, 155, 162, 167, 173, 174, 176, 182, 187* *Response received to a direct request on Convention No. 175* *Direct request on submission*
Rwanda	**Observations on Conventions Nos 26, 81, 138, 182** *Direct requests on Conventions Nos 12, 14, 17, 81, 118, 132, 138, 150, 155, 182, 187* *Response received to a direct request on Convention No. 89* **Observation on submission**
Saint Kitts and Nevis	**Observations on Conventions Nos 29, 138, 182** *Direct requests on Conventions Nos 29, 138, 182* **Observation on submission**
Saint Lucia	**General observation** **Observations on Conventions Nos 17, 87, 98, 100** *Direct requests on Conventions Nos 14, 19, 29, 100, 101, 108, 111, 158, 182* **Observation on submission**
Saint Vincent and the Grenadines	*Direct requests on Conventions Nos 29, 102, 105, 108, MLC* **Observation on submission**
Samoa	**Observation on Convention No. 105** *Direct requests on Conventions Nos 29, 105* *Direct request on submission*
San Marino	**General observation** **Observation on Convention No. 160** *Direct requests on Conventions Nos 100, 111, 142, 148, 161, 183* *Direct request on submission*

Sao Tome and Principe	**Observations on Conventions Nos 100, 111, 138, 182** *Direct requests on Conventions Nos 17, 29, 81, 100, 111, 138, 144, 155, 182, 183, 184* *Direct request on submission*
Saudi Arabia	*General direct request* **Observations on Conventions Nos 1, 29, 30, 81, 95, 106, 111, 138** *Direct requests on Conventions Nos 1, 14, 30, 81, 89, 95, 100, 105, 106, 111, 120, 138, 174, 182* *Direct request on submission*
Senegal	*Direct requests on Conventions Nos 125, MLC, 188* *Direct request on submission*
Serbia	*General direct request* **Observations on Conventions Nos 14, 81, 106, 121, 129, 139, 155, 182, 187** *Direct requests on Conventions Nos 13, 29, 81, 102, 106, 113, 114, 119, 121, 126, 129, 131, 132, 136, 139, 148, 150, 155, 161, 162, 167, 182, 183, 184, MLC, 187* *Response received to a direct request on Convention No. 89*
Seychelles	**Observations on Conventions Nos 105, 138, 182** *Direct requests on Conventions Nos 26, 29, 81, 99, 108, 148, 150, 155, 161, 182* *Direct request on submission*
Sierra Leone	**Observations on Conventions Nos 29, 102, 125, 126** *Direct requests on Conventions Nos 29, 97, 102, 105, 143, 144, 181* **Observation on submission**
Singapore	**Observation on Convention No. 100** *Direct requests on Conventions Nos 29, 32, 81, 100, 144, MLC* *Direct request on submission*
Slovakia	**Observations on Conventions Nos 1, 100, 111, 144** *Direct requests on Conventions Nos 1, 26, 29, 52, 81, 95, 100, 102, 111, 120, 129, 130, 138, 144, 148, 160, 161, 167, 171, 176, 183, MLC, 187* *Response received to direct requests on Conventions Nos. 115, 128, 136, 139, 184*
Slovenia	**Observations on Conventions Nos 14, 81, 106, 111, 121, 129** *Direct requests on Conventions Nos 13, 32, 81, 100, 108, 111, 114, 119, 129, 132, 136, 139, 144, 148, 149, 155, 161, 162, 174, 175, 183, MLC, 187* *Response received to a direct request on Convention No. 171*
Solomon Islands	*Direct request on Convention No. 108* **Observation on submission**
Somalia	**General observation** **Observations on Conventions Nos 87, 182** *Direct requests on Conventions Nos 87, 98, 182* **Observation on submission**
South Africa	**Observations on Conventions Nos 29, 81, 105, 138, 155, 176, 182** *Direct requests on Conventions Nos 81, 105, 155, 176, 182, MLC, 188, 190* *Response received to direct requests on Conventions Nos. 26, 89* *Direct request on submission*
South Sudan	*General direct request* **Observation on Convention No. 29** *Direct requests on Conventions Nos 29, 100, 105, 111, 138, 182* *Direct request on submission*
Spain	**Observations on Conventions Nos 1, 14, 30, 106, 132, 153, 182** *Direct requests on Conventions Nos 12, 13, 29, 44, 81, 95, 102, 103, 115, 119, 120, 127, 129, 131, 136, 137, 148, 150, 152, 155, 162, 173, 176, 182, 187* *Response received to a direct request on Convention No. 19* *Direct request on submission*
Sri Lanka	**Observations on Conventions Nos 29, 81, 105, 138, 182** *Direct requests on Conventions Nos 29, 81, 105, 182* *Direct request on submission*

Sudan	**General observation** **Observations on Conventions Nos 98, 122** *Direct request on submission*
Suriname	*General direct request* **Observations on Conventions Nos 17, 42, 111, 118, 138, 182** *Direct requests on Conventions Nos 13, 29, 81, 95, 100, 105, 111, 122, 138, 150, 182* *Direct request on submission*
Sweden	**Observations on Conventions Nos 111, 155, 187** *Direct requests on Conventions Nos 13, 29, 47, 100, 111, 115, 119, 139, 148, 152, 155, 160, 161, 162, 167, 170, 174, 176, 184, 187, 189* *Response received to direct requests on Conventions Nos. 14, 132, 137, 175* *Direct request on submission*
Switzerland	**Observation on Convention No. 111** *Direct requests on Conventions Nos 29, 100, 111, 160, 170, 174, MLC*
Syrian Arab Republic	**General observation** **Observations on Conventions Nos 29, 87, 98, 100, 105, 138, 182** *Direct requests on Conventions Nos 1, 29, 30, 81, 89, 100, 105, 107, 111, 115, 125, 129, 139, 144, 155, 170, 182* **Observation on submission**
Tajikistan	**Observation on Convention No. 81** *Direct requests on Conventions Nos 81, 122, 142, 144, 149, 159, 177* *Direct request on submission*
Thailand	*General direct request* **Observations on Conventions Nos 29, 100, 105, 138, 182** *Direct requests on Conventions Nos 100, 105, 111, 138, 182, 188* *Direct request on submission*
Timor-Leste	*General direct request* *Direct requests on Conventions Nos 29, 100, 111, 182* **Observation on submission**
Togo	**Observation on Convention No. 144** *Direct request on Convention No. 144*
Tonga	**General observation** *Direct request on submission*
Trinidad and Tobago	**Observations on Conventions Nos 29, 105, 138, 182** *Direct requests on Conventions Nos 29, 97, 159, 182*
Tunisia	**Observations on Conventions Nos 87, 138, 182** *Direct requests on Conventions Nos 29, 81, 117, 144, 159, 182, 187* *Direct request on submission*
Türkiye	**Observations on Conventions Nos 29, 81, 98, 138, 182** *Direct requests on Conventions Nos 29, 77, 81, 96, 138, 142, 182*
Turkmenistan	*General direct request* **Observations on Conventions Nos 105, 182** *Direct requests on Conventions Nos 100, 105, 111, 122, 182* *Direct request on submission*
Tuvalu	**General observation** *Direct request on the MLC* **Observation on submission**
Uganda	**Observations on Conventions Nos 29, 94, 100, 105, 122, 138, 144** *Direct requests on Conventions Nos 29, 100, 111, 138, 158, 159* *Direct request on submission*

Ukraine	**Observations on Conventions Nos 100, 122** *Direct requests on Conventions Nos 29, 100, 105, 111, 117, 140, 142, 144, 156, 158, 159* *Direct request on submission*
United Arab Emirates	**Observations on Conventions Nos 29, 105** *Direct requests on Conventions Nos 29, 81, 105, 182* **Observation on submission**
United Kingdom of Great Britain and Northern Ireland	**Observations on Conventions Nos 29, 81, 87, 182** *Direct requests on Conventions Nos 81, 105, 122, 140, 142* *Direct request on submission*
Bermuda	*Direct request on Convention No. 82*
British Virgin Islands	*General direct request* *Direct requests on Conventions Nos 10, 59, 82, 94, 97*
Falkland Islands (Malvinas)	*Direct request on Convention No. 82*
Gibraltar	*Direct request on Convention No. 81*
Guernsey	**Observation on Convention No. 182** *Direct requests on Conventions Nos 81, 87, 182*
Isle of Man	*Direct requests on Conventions Nos 29, 81, 182*
Jersey	*Direct requests on Conventions Nos 29, 140*
Montserrat	*General direct request* *Direct requests on Conventions Nos 82, 97*
United Republic of Tanzania	**Observations on Conventions Nos 29, 105, 138, 182** *Direct requests on Conventions Nos 29, 105, 138, 182* *Direct request on submission*
United Republic of Tanzania.Tanganyika	*Direct request on Convention No. 81*
United States of America	**Observations on Conventions Nos 105, 182** *Direct request on Convention No. 182* *Direct request on submission*
Uruguay	**Observations on Conventions Nos 29, 100, 181** *Direct requests on Conventions Nos 29, 111, 122, 156, 159, 181* *Direct request on submission*
Uzbekistan	**Observations on Conventions Nos 81, 87, 105, 129, 138, 182** *Direct requests on Conventions Nos 29, 81, 105, 129, 144, 182, 187* *Direct request on submission*
Vanuatu	**General observation** *Direct requests on Conventions Nos 87, 98, 182, 185* **Observation on submission**
Venezuela (Bolivarian Republic of)	**Observations on Conventions Nos 26, 88, 95, 100, 111, 155, 169** *Direct requests on Conventions Nos 13, 100, 120, 127, 139, 155, 156, 169* *Direct request on submission*
Viet Nam	*General direct request* **Observations on Conventions Nos 29, 81, 100, 111, 138, 182** *Direct requests on Conventions Nos 29, 81, 100, 111, 124, 138, 144, 159, 182* *Direct request on submission*
Yemen	**General observation** **Observations on Conventions Nos 87, 94, 98, 138, 182** *Direct requests on Conventions Nos 29, 58, 59, 100, 105, 111, 122, 138, 144, 156, 158, 159, 182, 185* **Observation on submission**
Zambia	**Observation on Convention No. 29** *Direct requests on Conventions Nos 29, 158* **Observation on submission**
Zimbabwe	**Observations on Conventions Nos 29, 81, 105, 129, 138, 182** *Direct requests on Conventions Nos 29, 81, 129, 140, 182* *Direct request on submission*