



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 88th Session in Geneva from 22 November to 9 December 2017. The Committee has the honour to present its report to the Governing Body.

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 Lelio BENTES CORRÊA (Brazil), Mr James J. BRUDNEY (United States), Mr Halton CHEADLE (South Africa), Ms Graciela Josefina DIXON CATON (Panama), Mr Rachid FILALI MEKNASSI (Morocco), Mr Abdul G. KOROMA (Sierra Leone), Mr Alain LACABARATS (France), Ms Elena E. MACHULSKAYA (Russian Federation), Ms Karon MONAGHAN (United Kingdom), Mr Vitit MUNTARBHORN (Thailand), Ms Rosemary OWENS (Australia), Ms Monica PINTO (Argentina), Mr Paul-Gérard POUGOUÉ (Cameroon), Mr Raymond RANJEVA (Madagascar), Ms Deborah THOMAS-FELIX (Trinidad and Tobago) and Mr Bernd WAAS (Germany). Appendix I of the General Report contains brief biographies of all the Committee members.

3. During its session, the Committee noted that Mr Ajit Prakash Shah (India) and Mr Mario Ackerman (Argentina) had submitted their resignation from the Committee earlier in 2017. Moreover, Mr Cheadle and Ms Dixon Caton were unable to attend this session. The Committee therefore functioned with a somewhat limited composition of 17 members.

4. Mr Koroma continued his mandate as Chairperson of the Committee and Ms Owens was elected as Reporter.

Working methods

5. Consideration of its working methods by the Committee of Experts has been an ongoing process since its establishment. In this process, the Committee has always given due consideration to the views expressed by the tripartite constituents. In recent years, in its reflection on possible improvements and the strengthening of its working methods, the Committee of Experts directed its efforts towards identifying ways to adapt its working methods so as to 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.

6. In order to guide the Committee's reflection on continuous improvement of its working methods, 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. This year, the subcommittee on working methods met for the 17th time under the guidance of Mr Bentes Corrêa, who was elected as its Chairperson. The subcommittee on working methods focused its discussions on two main issues: (i) possible improvements in the functioning of the subcommittee on the streamlining of the treatment of certain information; and (ii) the Governing Body discussions on the Standards Initiative and their possible implications for the work of the Committee.

7. The subcommittee on the streamlining of the treatment of certain information (which was established by the Committee of Experts in 2012 with a particular focus on information related to reporting obligations) also met this year, before the beginning of the work of the Committee. The subcommittee prepared draft "general" observations and direct requests addressing the failure to comply with the obligation to submit reports on the application of ratified Conventions

(articles 22 and 35 of the Constitution)¹ and the obligation to communicate copies of the reports on ratified Conventions to the representative organizations of employers and workers (article 23, paragraph 2, of the Constitution).² It also prepared the Committee's "repetitions" (an individual observation or direct request may be repeated when a report was due on the application of a ratified Convention, but no report has been received or the report received contained no reply to the Committee's previous comments). The subcommittee presented, for adoption in the plenary, its report to the Committee of Experts and drew attention to the most important issues which had been raised during its examination.

8. Possible improvements in the functioning of the subcommittee on the streamlining of the treatment of certain information were discussed by the subcommittee on working methods with a view to improving the quality and impact of repetitions by paying closer attention to certain serious cases of failure to report. The subcommittee on working methods discussed, *inter alia*, how the examination of these cases could also be drawn more specifically to the attention of the Committee on the Application of Standards when it discusses cases of serious failure to report so that both Committees could consider not only the failure to report but also the seriousness of the issues raised and the seriously detrimental impact the non-reporting is having on the function of the supervisory bodies aimed at facilitating progress on serious substantive matters.

9. Based on the discussion which took place at the subcommittee on working methods, the Committee of Experts decided to institute a practice of launching "urgent appeals" in cases corresponding to the following criteria:

- failure to send first reports for the third consecutive year;
- failure to reply to serious and urgent observations from employers' and workers' organizations for more than two years;
- failure to reply to repetitions relating to draft legislation when developments have intervened.

10. In such cases, the Committee might inform the governments concerned, in an opening paragraph to the repetition, that if they have not supplied a first report or answers to the points raised by 1 September of the following year, then it might proceed with the examination of these cases on the basis of the information at its disposal and possibly make a new comment at its next session. In these cases, the Committee on the Application of Standards may also have its attention drawn to the serious reporting failure, so that governments can be called before it and thus advised that, in the absence of a report, the Committee of Experts might examine the substance of the matter at its next session. The Committee hopes that this may further reinforce the synergies between the two supervisory bodies. As a result of this decision and the new working methods it would imply, the Committee of Experts decided to discontinue the subcommittee on the streamlining of the treatment of certain information.

11. The subcommittee on working methods also discussed the possible implications of the Governing Body discussions on the Standards Initiative for the working methods of the Committee of Experts. The subcommittee generally welcomed the discussions taking place at the Governing Body on ways to strengthen the impact of the supervisory mechanism which coincided with its own discussions on working methods. It considered that the Governing Body discussions on the thematic grouping of Conventions for reporting purposes and the practice of consolidated comments, previously developed by the Committee of Experts, was a positive development.

12. The subcommittee drew the Committee's attention to the Governing Body's consideration of extending the reporting cycle for technical Conventions from five to six years. In this regard, 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 47 of its General Report.³

Relations with the Conference Committee on the Application of Standards

13. 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 Committee once again welcomed the participation of its Chairperson in the general discussion of the Committee on the Application of Standards at the 106th Session of the International Labour Conference (June 2017). It noted the decision by the Conference Committee to request the Director-General to renew this invitation to the Chairperson of the Committee of Experts for the 107th Session (May–June 2018) of the Conference. The Committee of Experts accepted this invitation.

¹ See para. 27 of the General Report.

² See para. 31 of the General Report.

³ The Committee indicates 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 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.

14. The Chairperson of the Committee of Experts invited the Employer Vice-Chairperson (Ms Sonia Regenbogen) 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.

15. The Worker Vice-Chairperson congratulated the Committee for its work and expressed his appreciation for the technical quality of its report which provided a solid basis for the functioning of the Conference Committee and contributed to the credibility, legitimacy and authority of the entire supervisory mechanism. The clarification of the Committee's mandate in the introduction to its General Report continued to be useful in clarifying the distinct but complementary roles that the two Committees played in the supervisory system. In a constructive spirit, he shared some specific comments and questions. A number of issues had been shifted from observations to direct requests over the years without, in his view, being based on the helpful explanation in the General Report concerning the distinction between the two types of comments. In addition, some issues continued to be addressed in direct requests despite their long-standing nature, raising some questions about the criteria applied when qualifying an issue as long-standing in order to address it in an observation. In some cases, important issues had completely disappeared from the comment without clarity about whether they had been resolved in the meantime. Concerning the approach followed for the treatment of observations received from the social partners under article 23, paragraph 2, of the Constitution, he supported the Committee's approach not to address observations which did not fall within the scope of the Convention concerned or did not contain information that would add value to the examination of the application of the Convention in specific cases. However, when it came to allegations submitted by trade unions, the Worker Vice-Chairperson was concerned about the fact that serious and long-standing allegations were not addressed in detail despite the repeated failure of the relevant government to respond to them. Moreover, his group deeply regretted the significant reduction in the length of the Committee's report especially where this had an impact on the quality of the analysis provided. He also expressed concerns over the relatively mild tone of some comments. In light of the debate concerning the Standards Initiative, the Worker Vice-Chairperson invited the Committee of Experts to consider a broader range of criteria for breaking the reporting cycle in the light of the proposed thematic grouping of Conventions for reporting purposes. He called for some restraint in relation to the proposal for a transversal examination of Conventions in consolidated comments, so that the most serious violations would continue to be clearly identified under each Convention. While he welcomed the extensive references to the conclusions of the Conference Committee in the observations of the Committee of Experts, he would have liked to see a more detailed examination of the extent to which each recommendation by the Conference Committee had been followed through by governments. Finally, the Worker Vice-Chairperson expressed appreciation for the greater balance between fundamental, governance and technical Conventions in the selection of double-footnoted cases in the previous report of the Committee, as this allowed for more cases concerning technical Conventions to be discussed at the Conference. In order to build on this achievement, he called on the Committee of Experts to give as much attention to technical Conventions as possible.

16. The Employer Vice-Chairperson underlined that the consistent and direct dialogue between the two Committees was key in ensuring that ILO constituents would better understand their standards-related obligations and in facilitating mutual understanding between the two Committees. The special sitting allowed the two Vice-Chairpersons to convey the realities and needs of the social partners as users of the supervisory mechanism, and communicate their perspectives on how improvements could allow for a better use of the system. She would have preferred for the discussion to take place at an earlier date during the session of the Committee of Experts. With reference to the positive results of the last meeting of the Conference Committee, she emphasized that this key pillar of the supervisory system had reaffirmed its role as a forum for results-oriented tripartite dialogue on the application of international labour standards, based on mutual understanding and constructive debate. She expressed support for the request made by the Worker Vice-Chairperson that the experts provide in their report an organized analysis of the follow-up to the conclusions adopted by the Conference Committee, so that the social partners could see more clearly whether governments had responded to the conclusions. She also agreed with the Worker Vice-Chairperson that the elaboration by the Committee of comments on technical Conventions provided a comprehensive basis on which to build a balanced list of cases. In 2017, the final list of cases had received many positive comments for its balanced nature as it contained 16 fundamental, five governance and three technical Conventions. As for the issue raised by the Worker Vice-Chairperson on reflecting more fully certain issues in observations, including the concerns raised by employers' and workers' organizations, she suggested as a possibility to complement the comments appearing in the Committee's report with additional information published online in the form of a summary of allegations or of past developments. She stressed the active role of the Employer and Worker Vice-Chairpersons in the elaboration of the conclusions of the Conference Committee in a short, clear and straightforward manner, reflecting concrete steps to address compliance issues. As any controversial issues were intentionally left out of the conclusions, she invited the Committee of Experts to consider the overall balance of these conclusions when examining their follow-up. She also invited the Committee to consider further means to make the report more reader friendly and transparent. With regard to the work of the subcommittee on working methods for example, while some elements on its work had been provided in the General Report, she would have liked to have more concrete information on the questions examined and the outcomes of the discussion during the current session, as this information would help enrich the Governing Body discussions in the framework of the Standards Initiative. The Employer Vice-Chairperson also addressed some questions to the experts concerning the organization of their work in the light of the number of reports received this year and referred to the countries facing serious failures to report, asking if any measures had been contemplated to give more visibility to these cases in the

report. Finally, with regard to the well-known position of her group on the right to strike, she asked whether the Committee had had the opportunity to reflect further on this issue and how it was handling this question this year.

17. The Committee of Experts indicated that it had taken due note of the discussions which had taken place in the framework of the Standards Initiative on ways to strengthen the supervisory system. The Committee informed the Vice-Chairpersons of the decisions adopted on the basis of the work of the subcommittee on working methods, notably the decision to pay closer attention to certain cases of serious failure to report and thereby enhance their visibility, both generally and in particular to the Conference Committee. Also, the Committee decided to draw inspiration from the criteria used for requesting early reports with a view to broadening the very strict criteria for breaking the cycle of review when receiving comments from workers' and employers' organizations under article 23, paragraph 2, of the Constitution. The experts also discussed the innovations introduced by the Maritime Labour Convention, 2006, as amended (MLC, 2006) which was the product of the consolidation, updating and revision of 37 Conventions and 31 Recommendations, and allowed, along with its innovative reporting form, for a coherent and ongoing supervision of its application. The MLC, 2006 was a comprehensive, holistic and innovative instrument which had reached an extraordinary level of acceptance through its rapid ratification by a high number of member States. The same approach had been followed for the adoption of the Work in Fishing Convention, 2007 (No. 188) and its reporting form. The experts also emphasized the importance of technical Conventions which accounted for most international labour standards. Beyond the threshold of fundamental and governance Conventions, the technical Conventions covered a wide range of issues and represented an important part of the work of the Committee which dedicated a large part of its time and attention to these instruments. Since 2012, one of the tools used for the examination of some of these Conventions, was to produce consolidated comments on issues raised under a number of Conventions ratified by the same country in certain thematic areas. This enhanced the coherence of comments and the visibility of the issues raised without losing sight of the specific obligations imposed by each of the Conventions considered. In certain cases, this approach allowed for the identification of additional essential issues and their inclusion in observations. The purpose was to increase the impact of the Committee's comments so that follow-up at country level could be as targeted and constructive as possible. With regard to deferred files, the experts assured the Vice-Chairpersons that the Committee always completed the examination of all files presented to it by the secretariat. However, a number of reports had to be deferred each year. Among the reasons for this were the late submission of reports after the due date of 1 September, which seriously disturbed the functioning of the system, and the increasing number of comments from employers' and workers' organizations, which was a welcome development, but also contributed to a significant increase in the information to be considered in relation to the fulfilment of the obligations under the Conventions by member States. Finally, with regard to the right to strike, the experts indicated to the Employer Vice-Chairperson that they had reviewed carefully her statement at the Conference Committee and emphasized three points. First, the Committee of Experts examined under Convention No. 87, a number of recurrent themes including violations of civil liberties, denial of employers' and workers' right to establish and join organizations of their own choosing, and the right of these organizations to freely organize their activities and formulate their programmes without interference from the State. The right to strike was often being examined as a sub-issue of the first topic (violations of civil liberties) and the third topic (organization of activities without interference). The experts therefore examined a wide range of important questions under Convention No. 87 and not primarily the right to strike. Second, the experts paid due attention to the reports received from member States which often contained information on the way the right to strike was being regulated at national level, along with numerous comments from employers' and workers' organizations on this point. Third, while Article 9 of Convention No. 87 left the extent of the guarantees of the Convention for the armed forces and police to be determined by national laws and regulations, the other provisions were not assigned to the exclusive control of national laws and regulations and therefore the Committee had a duty to review the way in which the Convention was applied across ratifying member States.

18. Information on the follow-up given by the Committee to the conclusions of the Conference Committee at its 106th Session (2017) is provided in paragraph 43 of this General Report.⁴

Mandate

19. **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 cognizant 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**

⁴ Moreover, updated information on the follow-up given by the secretariat to the conclusions of the Conference Committee can be found as of 1 April 2018, on the official website of the Conference Committee.

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.

II. Compliance with standards-related obligations

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

20. 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

21. 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.

22. 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. Simplified reports are then requested on a regular basis.⁵ 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 and to maintain the cycle at five years for the other Conventions.

23. In addition, reports may be requested by the Committee outside of the regular reporting cycle.⁶ Reports may also be expressly requested outside of the regular reporting cycle by the Conference Committee or the Governing Body. At each session, the Committee also has to examine reports requested in cases where a government had failed to send a report due for the previous period or to reply to the Committee's previous comments.⁷

Compliance with reporting obligations

24. This year a total of 2,242 reports (2,083 reports under article 22 of the Constitution and 159 reports under article 35 of the Constitution) were requested from governments on the application of Conventions ratified by member States, compared to 2,539 reports last year.

25. The Committee observes with *concern* that the proportion of reports received by 1 September 2017 remains low (38.2 per cent, compared with 39.9 per cent at its previous session). It recalls that the fact that a significant number of reports are received after 1 September disturbs the sound operation of the regular supervisory procedure. ***The Committee is therefore bound to reiterate its request that member States make a particular effort to ensure that their reports are submitted in time next year and that they contain all the information requested so as to allow a complete examination by***

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.

⁶ See para. 45 of the General Report.

⁷ See paras 8–10 of the General Report on changes to the Committee's working methods introduced in relation to the treatment of repetitions.

the Committee. The Committee intends to examine ways to address this issue at its next session in the framework of the subcommittee on its working methods.

26. At the end of the present session of the Committee, 1,519 reports had been received by the Office. This figure corresponds to 67.8 per cent of the reports requested⁸ (last year, the Office received a total of 1,805 reports, representing 71.1 per cent). The Committee notes in particular that 61 of the 95 first reports due on the application of ratified Conventions were received by the time the Committee's session ended (last year, 42 of the 89 first reports due had been received).

27. 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.

28. None of the reports due have been sent for the past two or more years from the following 15 countries: **Belize, Cook Islands, Dominica, Equatorial Guinea, Gambia, Guinea-Bissau, Haiti, Malaysia – Sabah, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Somalia, Timor-Leste, Vanuatu and Yemen.**

29. **Thirteen** countries have failed to supply a first report for two or more years:

State	Conventions Nos
Belize	– Since 2016: MLC, 2006
Comoros	– Since 2016: Convention No. 144
Congo	– Since 2016: MLC, 2006
Cook Islands	– Since 2016: Conventions Nos 11, 14, 29, 99 and 105
Equatorial Guinea	– Since 1998: Conventions Nos 68 and 92
Gabon	– Since 2016: MLC, 2006
Guyana	– Since 2015: Convention No. 189
Republic of Maldives	– Since 2015: Convention No. 100 and – Since 2016: MLC, 2006
Nicaragua	– Since 2015: MLC, 2006
Saint Vincent and the Grenadines	– Since 2014: MLC, 2006
Serbia	– Since 2016: Convention No. 94
Somalia	– Since 2016: Conventions Nos 87, 98 and 182
Viet Nam	– Since 2016: Convention No. 187

30. *The Committee urges the Governments concerned to make every effort to supply the reports requested on ratified Conventions, and to make a special effort to supply the first reports due.* 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. In such cases, *it is important for governments to request assistance from the Office and for such assistance to be provided rapidly.*⁹ The Committee wishes to draw attention to the revised criteria which appear in paragraphs 9 and 10 of its General Report for the examination of cases where governments fail to send first reports for three consecutive years.

31. The following countries have failed to indicate for the past three years, the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of the reports

⁸ 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.

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.

supplied to the Office under article 22 of the Constitution have been communicated: Rwanda and the Plurinational State of Bolivia.¹⁰

32. The Committee recalls that, in accordance with the tripartite nature of the ILO, compliance with this constitutional obligation is intended to enable representative organizations of employers and workers to participate fully in supervision of the application of international labour standards.¹¹ If a government fails to comply with this obligation, these organizations are denied their opportunity to comment and an essential element of tripartism is lost. *The Committee calls on the member State concerned to discharge its obligation under article 23, paragraph 2, of the Constitution.*

Replies to the comments of the Committee

33. Governments are requested to reply in their reports to the observations and direct requests made by the Committee, and the majority of governments have provided the replies requested. In some cases, the reports received did not contain replies to the Committee's requests or were not accompanied by copies of the relevant legislation or other documentation necessary for their full examination. In such cases, the Office, as requested by the Committee, has written to the governments concerned asking them to supply the requested information or material, where this material was not otherwise available.

34. 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: **Albania, Bahamas, Barbados, Belize, Botswana, Brunei Darussalam, Chad, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Eritrea, Estonia, Gambia, Grenada, Guinea-Bissau, Haiti, Italy, Jamaica, Kiribati, Kyrgyzstan, Liberia, Libya, Madagascar, Malawi, Malaysia, Malaysia (Peninsular Malaysia, Sabah and Sarawak), Mozambique, Netherlands (Aruba and Curaçao), Pakistan, Papua New Guinea, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Singapore, Solomon Islands, Somalia, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Vanuatu and Yemen.**

35. The Committee notes with *concern* that the number of comments to which replies have not been received remains significantly 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 also draws the attention of governments to the revised criteria for the examination of cases where governments have failed to reply to observations made by employers' and workers' organizations for two years or where legislative developments have intervened in relation to matters raised in previous comments. *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, where necessary.*

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

36. 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.

37. The Committee was informed that, pursuant to the discussions of the Conference Committee in June 2017, the Office had sent specific letters to the member States mentioned in the relevant paragraphs of the report of the Conference Committee concerning these cases of failure.¹² The Committee welcomes the fact that, since the end of the session of the Conference, 11 of the member States concerned have fulfilled at least part of their reporting obligations.¹³

38. The Committee hopes that the Office will maintain the sustained technical assistance that it has been providing to member States in this respect. Finally, 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. The Committee draws attention to its decision to draw certain cases of serious reporting failure to the attention of the Conference Committee so that an urgent appeal can be launched to the governments concerned and they may be advised that, in the absence of a report, the Committee would examine the substance of the matter on the basis of information at its disposal.

¹⁰ See the general observation contained in Part III of this year's report.

¹¹ See para. 63 of the General Report.

¹² See report of the Committee on the Application of Standards, International Labour Conference, 106th Session, Geneva, 2017, paras 150, 151 and 152.

¹³ **Cabo Verde, Croatia, Fiji, Greece, Guinea, Nigeria, Sri Lanka, Syrian Arab Republic, Thailand, United Kingdom (Bermuda) and Zambia.**

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

39. In examining the reports received on ratified Conventions and Conventions 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.

40. The Committee wishes to inform member States that it examined all reports that were brought to its attention. In view of the secretariat's heavy workload, which is largely due to the high number of reports submitted after the due date of 1 September, a number of reports could not be brought to the Committee's attention and will be examined at its next session.

Observations and direct requests

41. First of all, the Committee considers that it is worthy of note that in 217 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. 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.¹⁴ 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 used to examine the first reports supplied by governments on the application of Conventions.

42. 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

43. The Committee examines the follow-up to the conclusions of the Committee on the Application of Standards. The corresponding 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 (106th Session, June 2017) 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, 106th Session, June 2017)		
State	Conventions Nos	Page
Afghanistan	182	230
Algeria	87	43
Bahrain	111	344
Bangladesh	87	45
Botswana	87	56
Cambodia	87	60
Democratic Republic of the Congo	182	271
Ecuador	87	73
Egypt	87	78

¹⁴ 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, 106th Session, June 2017)		
State	Conventions Nos	Page
El Salvador	144	421
Guatemala	87	91
India	81	439
Kazakhstan	87	118
Malaysia - Peninsular Malaysia/Sarawak	19	536
Mauritania	29	204
Poland	29	210
Turkey	135	165
Ukraine	81/129	453
Bolivarian Republic of Venezuela	122	490
Zambia	138	333

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

44. 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 the comments which are related to these constitutional supervisory procedures, as indicated in the following tables.

List of cases examined by the Committee on which complaints are pending under article 26	
State	Conventions Nos
Guatemala	87
Bolivarian Republic of Venezuela	26, 87 and 144

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
Japan	159 and 181
Peru	29 and 169
Portugal	29, 81/129 and 155

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
Romania	95
Spain	131
Thailand	29

Special notes

45. 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 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 May–June 2018.

46. 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.

47. 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; and
- 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.

48. 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.

49. 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.

50. This year, the Committee has requested governments to supply full particulars to the Conference at its next session in 2018 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 May–June 2018	
State	Conventions Nos
Plurinational State of Bolivia	138
Cambodia	105
Eritrea	29

List of the cases in which the Committee has requested governments to supply full particulars to the Conference at its next session in May–June 2018	
State	Conventions Nos
Haiti	1/14/30/106
Honduras	87
Republic of Moldova	81/129

51. The Committee has requested governments to furnish detailed reports outside of the reporting cycle in the following cases:

List of the cases in which the Committee has requested detailed reports outside of the reporting cycle	
State	Convention No.
Malawi	159
Peru	159

52. 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
Armenia	174/176
Canada	MLC, 2006
Plurinational State of Bolivia	131
Brazil	98
Burundi	26
Cameroon	158
Colombia	26/95/99 and 136/162/170/174
Croatia	MLC, 2006
Ecuador	98
Egypt	87 and 105
Eritrea	105
Fiji	MLC, 2006
Greece	87
Guatemala	87 and 98
Haiti	98
India	81
Kazakhstan	87
Kiribati	MLC, 2006
Republic of Korea	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
Liberia	112/113/114
Luxembourg	MLC, 2006
Malaysia	MLC, 2006
Marshall Islands	185
Mauritius	MLC, 2006
Pakistan	81 and 98
Papua New Guinea	158
Qatar	81
Samoa	MLC, 2006
Seychelles	MLC, 2006
Trinidad and Tobago	125
Turkey	135
Tuvalu	MLC, 2006
Ukraine	81/129
United Kingdom - Gibraltar	MLC, 2006
Viet Nam	MLC, 2006

Cases of progress

53. 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.

54. 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.

55. Since first identifying cases of satisfaction in its report in 1964,¹⁵ 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 their obligations under the respective Conventions.** In expressing its satisfaction, the Committee indicates to governments

¹⁵ See para. 16 of the report of the Committee of Experts submitted to the 48th Session (1964) of the International Labour Conference.

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; and
- to provide an example to other governments and social partners which have to address similar issues.

56. Details concerning these cases of progress are found in Part II of this report and cover **26** instances in which measures of this kind have been taken in **23** 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
Argentina	182
Belarus	29
Belgium	138
Benin	105
Bosnia and Herzegovina	138
Cabo Verde	155
Chile	138
China - Macau Special Administrative Region	182
El Salvador	144
Guatemala	98
Ireland	98
Italy	137
Lao People's Democratic Republic	138
Liberia	87
Mali	100
Mexico	87
Pakistan	29, 105 and 138
Peru	29
Sweden	168
The former Yugoslav Republic of Macedonia	182
Trinidad and Tobago	138 and 182
Turkey	138
Uganda	182

57. 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 **3,059** since the Committee began listing them in its report.

58. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979.¹⁶ 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

¹⁶ See para. 122 of the report of the Committee of Experts submitted to the 65th Session (1979) of the International Labour Conference.

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.

59. 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 **168** instances in which measures of this kind have been adopted in **97** countries. The full list is as follows:

List of the 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
Afghanistan	182
Albania	156
Algeria	95, 99 and 100
Angola	138
Argentina	138 and 189
Australia	111, 122, 156 and 158
Austria	95
Bahrain	155
Bangladesh	81, 87 and 98
Belgium	100, 111 and 122
Plurinational State of Bolivia	182
Bosnia and Herzegovina	159
Brazil	111, 139, 161 and 176
Bulgaria	94
Burundi	29 and 111
Cabo Verde	98
Cambodia	122, 138 and 182
Canada	111, 144 and 162
Central African Republic	111
Chile	161 and 182
China	138
Colombia	182 and 189
Comoros	77, 78 and 122
Costa Rica	94 and 182

List of the 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
Croatia	122 and 159
Cuba	138
Czech Republic	122
Democratic Republic of the Congo	88
Denmark	122
Djibouti	13, 81, 111, 115, 120 and 144
Dominican Republic	88 and 122
Ecuador	98
Egypt	29 and 182
Fiji	105
France	100, 102 and 111
France - French Polynesia	144
Georgia	98
Germany	26, 87 and 99
Guatemala	81, 87 and 98
Guinea	87 and 98
Honduras	98
Hungary	98
Iceland	100 and 111
India	111 and 142
Iraq	98
Ireland	122
Italy	94
Jamaica	111
Japan	81, 156 and 159
Jordan	100
Kazakhstan	122
Kenya	137
Lao People's Democratic Republic	29
Latvia	122
Lesotho	87
Liberia	87
Lithuania	115 and 122
Luxembourg	158
Madagascar	12 and 122

List of the 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
Mali	87 and 111
Malta	87, 98, 117 and 159
Mauritania	81 and 114
Mauritius	87
Mexico	90
Republic of Moldova	87
Mongolia	159
Montenegro	87, 111 and 156
Mozambique	122
Namibia	98
Nepal	98
Netherlands - Aruba	87
Netherlands - Caribbean Part of the Netherlands	87
Nicaragua	29, 98 and 182
Niger	158
Nigeria	97
Norway	156
Pakistan	138
Panama	138 and 144
Paraguay	77, 78, 79 and 90
Peru	29, 77 and 78
Philippines	94 and 144
Poland	144
Portugal	142
Qatar	81
Rwanda	122 and 182
Sao Tome and Principe	144 and 159
Serbia	29 and 105
Slovenia	158
Sri Lanka	138 and 144
Sweden	158
Tajikistan	77 and 78
Thailand	29
Tunisia	29, 138, 154 and 182
Turkey	98

List of the 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
Uganda	182
Ukraine	77 and 78
United States	144
Uruguay	137
Vietnam	124

Practical application

60. 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.

61. The Committee notes that approximately a quarter of the reports received this year contain information on the practical application of Conventions including information on national jurisprudence, statistics and labour inspection.

62. The Committee wishes to emphasize to governments the importance of submitting such information which is indispensable to complete the examination of national legislation and to help the Committee to identify the issues arising from real problems of application in practice. The Committee also wishes to encourage 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

63. 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, all the observations received from employers' and workers' organizations on the application of ratified Conventions since the last session of the Committee are listed in 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.

64. 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 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.

65. Furthermore, the Committee recalled 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, they 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. However, where the observations meet the criteria of exceptional cases, as defined in the previous paragraph, the Committee will examine them in the year in

which they are received, even in the absence of a reply from the government concerned. The government will then be requested to send a report the next year, which may be outside of the regular reporting cycle.

66. The Committee emphasized that the procedure set out above aims at giving effect to decisions taken by the Governing Body which have both extended the reporting cycle and provided 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.

67. As indicated above, at this session the Committee's attention was drawn to the Governing Body's consideration of extending the length of the reporting cycle for technical Conventions from five to six years. In this respect, the Committee considered 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. The Committee decided that inspiration in this regard could be drawn from those criteria used for placing special notes known as "footnotes" at the end of its comments.¹⁷

68. The Committee is pleased to note the increasing number of observations received from employers' and workers' organizations. Since its last session, the Committee has received **1,325** observations (compared to 1,160 last year), **330** of which (compared to 314 last year) were communicated by employers' organizations and **995** (compared to 846 last year) by workers' organizations. The great majority of the observations received (**836** compared to 820 last year) related to the application of ratified Conventions;¹⁸ **334** of these observations (compared to 402 last year) concerned the application of fundamental Conventions, **97** (compared to 84 last year) related to governance Conventions and **405** (compared to 334 last year) concerned the application of other Conventions. Moreover, **489** observations (compared to 340 last year) related to the General Survey on the instruments concerning working time.

69. The Committee notes that, **572** of the observations received this year on the application of ratified Conventions were transmitted directly to the Office. In **264** 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

70. 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. In this regard, the Committee welcomed the information received from the Office that, in 2017, targeted technical assistance continued and was further reinforced in order to support countries with the ratification and implementation of international labour standards and to strengthen the capacity of ministries of labour to fulfil their constitutional obligations (including the preparation of reports on the application of Conventions).

71. The Committee reiterates its hope that a comprehensive technical assistance programme will be developed in the near future, and that it will be adequately resourced to help all constituents improve the application of international labour standards in both law and practice.

72. 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
Algeria	100
Bahamas	100
Bahrain	111
Bangladesh	87

¹⁷ See paras 12 and 47 of the General Report.

¹⁸ See Appendix III to this report.

List of the cases in which technical assistance would be particularly useful in helping member States	
State	Conventions Nos
Plurinational State of Bolivia	138
Bosnia and Herzegovina	119/136/139/148/155/161/162/174/176/184/187
Botswana	87
Cabo Verde	87
Cambodia	87
Cameroon	122
Central African Republic	94
Comoros	87, 98 and 122
Congo	144
Djibouti	13/115/120, 81 and 94
Ecuador	87 and 98
El Salvador	98 and 144
Eritrea	29
Ethiopia	158
Gabon	98
Ghana	87 and 94
Guatemala	87 and 98
Haiti	87 and 98
India	100
Indonesia	87
Islamic Republic of Iran	100 and 111
Israel	100
Jamaica	100
Kazakhstan	87
Kenya	98
Kuwait	87
Kyrgyzstan	87
Lesotho	87
Madagascar	98
Mauritius	87, 98 and MLC, 2006
Mexico	87
Montenegro	98
Namibia	98
Panama	94
Papua New Guinea	87
Russian Federation	98

List of the cases in which technical assistance would be particularly useful in helping member States	
State	Conventions Nos
Senegal	100
Solomon Islands	111
United Republic of Tanzania	144
Uganda	158
Bolivarian Republic of Venezuela	26/95
Zambia	98

C. Reports under article 19 of the Constitution

73. 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 as a basis for the General Survey on the following instruments: the Hours of Work (Industry) Convention, 1919 (No. 1), the Weekly Rest (Industry) Convention, 1921 (No. 14), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Forty-Hour Week Convention, 1935 (No. 47), the Night Work (Women) Convention (Revised), 1948 (No. 89), the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948, the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), the Holidays with Pay Convention (Revised), 1970 (No. 132), the Night Work Convention, 1990 (No. 171), the Part-Time Work Convention, 1994 (No. 175), the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13), the Holidays with Pay Recommendation, 1954 (No. 98), the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103), the Reduction of Hours of Work Recommendation, 1962 (No. 116), the Night Work Recommendation, 1990 (No. 178) and the Part-Time Work Recommendation, 1994 (No. 182).¹⁹ In accordance with the practice followed in previous years, the survey has been prepared on the basis of a preliminary examination by a working party comprising five members of the Committee.

74. The Committee notes with *regret* that, for the past five years, none of the reports on unratified Conventions and Recommendations requested under article 19 of the Constitution have been received from the following **38** countries: **Afghanistan, Angola, Armenia, Belize, Botswana, Chad, Comoros, Congo, Cook Islands, Democratic Republic of the Congo, Dominica, Grenada, Guinea-Bissau, Guyana, Haiti, Ireland, Kiribati, Liberia, Libya, Republic of Maldives, Marshall Islands, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Swaziland, Timor-Leste, Tonga, Tuvalu, United Arab Emirates, Vanuatu and Yemen.**

75. The Committee notes with *interest* the significant number of observations received from employers' and workers' organizations on this year's General Survey (489 observations compared to 340 last year).

76. *The Committee once again urges governments to provide the reports requested so that its General Surveys can be as comprehensive as possible.*

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

77. 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 Organisation:

- information on measures taken to submit to the competent authorities the instruments adopted by the Conference from June 1970 (54th Session) to June 2017 (106th Session) (Conventions Nos 131–189, Recommendations Nos 135–205 and Protocols); and
- replies to the observations and direct requests made by the Committee at its 87th Session (November–December 2016).

78. 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 Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour

¹⁹ See Report III (Part B), International Labour Conference, 106th Session, Geneva, 2017.

(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, as well as the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), adopted by the Conference at its 106th Session, were submitted and the date of submission. In addition, Appendix IV summarizes the information supplied by governments with respect to the instruments adopted earlier and submitted to the competent authorities in 2017.

79. 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. 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

80. 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 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 21 member States: **Argentina, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Iceland, Jamaica, Mali, Mauritania, Namibia, Netherlands, Niger, Norway, Panama, Poland, Spain, Sweden, Switzerland and United Kingdom.** *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

81. 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) on 12 December 2016. The Committee notes that 70 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

82. 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 will end on 16 June 2018, and the 18-month period (in exceptional circumstances) will end on 16 December 2018. The Committee notes that nine 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 by the constitutional deadline and to report on any action taken with regard to this instrument.*

Cases of progress

83. The Committee notes with *interest* the information provided by the governments of the following countries: **Democratic Republic of the Congo, Guinea, Jamaica and Mozambique.** It welcomes the efforts made by these governments in overcoming the significant delays in submission and taking important steps toward fulfilling their constitutional obligation to submit to their legislatures the instruments adopted by the Conference over a number of years.

Special problems

84. 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 95th Session (2006) and concludes at the 104th Session (2015), bearing in mind that the Conference did not adopt any Conventions or Recommendations during its 97th (2008), 98th (2009) and 102nd (2013) 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.

85. The Committee notes that, at the closure of its 88th Session on 9 December 2017, the following 31 (37 in 2014, 32 in 2015 and 38 in 2016) member States were in the category of “serious failure to submit”: **Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Comoros, Croatia, Dominica, El Salvador, Equatorial Guinea, Fiji, Gabon, Guinea-**

Bissau, Haiti, Kiribati, Kuwait, Kyrgyzstan, Liberia, Libya, Pakistan, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic and Vanuatu.

86. 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 106th Session of the Conference (June 2017), some Government delegations supplied information explaining why their countries had been unable to meet the constitutional obligation to submit Conventions, Recommendations and Protocols to their national legislatures. Following the concerns raised by the Committee of Experts, the Conference Committee also expressed great 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.

87. The abovementioned 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. This notice also allows the governments to 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

88. 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).

89. 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. 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.

III. Collaboration with international organizations and functions relating to other international instruments

Cooperation with international organizations in the field of standards

90. In the context of collaboration with other international organizations on questions concerning the application of international instruments relating to subjects of common interest, the ILO has entered into special arrangements with the United Nations, certain specialized agencies and other intergovernmental organizations.²⁰ In particular, these organizations may send information on the application of certain Conventions that would assist the Committee of Experts in examining the application of these Conventions.

United Nations treaties concerning human rights

91. The Committee recalls that international labour standards and the provisions of related United Nations human rights treaties are complementary and mutually reinforcing. It emphasizes that continuing cooperation between the ILO and the United Nations with regard to the application and supervision of relevant instruments is necessary, particularly in the context of the United Nations programming framework aimed at greater coherence and cooperation within the United Nations system and in the light of the 2030 Agenda for Sustainable Development. The Committee welcomes the fact that the Office has launched important alliances with other international organizations for the implementation of the 2030 Agenda, including Alliance 8.7 created to end forced labour, modern slavery, human trafficking and child labour and the Equal Pay International Coalition (EPIC) which aims at the realization of SDG target 8.5 on equal pay between women and men for work of equal value.

92. The Committee welcomes the fact that the Office has continued to provide information on the application of international labour standards to the United Nations treaty and charter-based bodies on a regular basis, in accordance with the existing arrangements between the ILO and the United Nations. It also continued to follow the work of these bodies and to take their comments into consideration where appropriate. The Committee considers that coherent international monitoring is an important basis for action to enhance the enjoyment of, and compliance with civil, political, economic, social and cultural rights at the national level. With regard to the elaboration of the supporting mechanisms that aim to effectively implement and monitor progress towards the 2030 Agenda, the ILO framework can serve as an exemplar of the way in which accountability mechanisms can work – from the global level through the national level. In this respect, the ILO supervisory machinery may contribute to and be used in efforts to achieve the relevant goals and targets associated with the accomplishment of decent work for all.

²⁰ The following organizations are concerned: the United Nations, the Office of the High Commissioner for Human Rights (OHCHR), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Atomic Energy Agency (IAEA) (concerning the Radiation Protection Convention, 1960 (No. 115)), and the International Maritime Organization (IMO).

European Code of Social Security and its Protocol

93. In accordance with the supervisory procedure established under Article 74, paragraph 4, of the European Code of Social Security, and the arrangements made between the ILO and the Council of Europe, the Committee of Experts examined 22 reports on the application of the Code and, as appropriate, its Protocol. The Committee's conclusions on these reports will be sent to the Council of Europe for examination by its Committee of Experts on Social Security. Once approved, the Committee's comments should lead to the adoption of resolutions by the Committee of Ministers of the Council of Europe on the application of the Code and the Protocol by the countries concerned.

94. With its dual responsibility for the application of the Code and for international labour Conventions relating to social security, the Committee is seeking to develop a coherent analysis of the application of European and international instruments and to coordinate the obligations of the States parties to these instruments. The Committee also draws attention to the national situations in which recourse to technical assistance from the secretariat of the Council of Europe and the Office may prove to be an effective means of improving the application of the Code.

* * *

95. Lastly, the Committee would like to express its appreciation for the invaluable assistance again rendered to it by the officials of the Office, whose competence and devotion to duty make it possible for the Committee to accomplish its complex task in a limited period of time.

Geneva, 9 December 2017

(Signed) Abdul G. Koroma
Chairperson

Rosemary Owens
Reporter

Appendix to the General Report

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

Mr Shinichi AGO (Japan)

Professor of International Law at the College of Law, Ritsumeikan University, Kyoto; former Professor of International Economic Laws and Dean of the Faculty of Law at Kyushu University; member of the Asian Society of International Law, the International Law Association and the International Society for Labour and Social Security Law; Judge, Asian Development Bank Administrative Tribunal.

Ms Lia ATHANASSIOU (Greece)

Full Professor of Maritime and Commercial Law at the National and Kapodistrian University of Athens (Faculty of Law); Elected Member of the Deanship Council of the Faculty of Law and Director of the Postgraduate Programme; President of the Organizing Committee of the International Conference on Maritime Law held in Piraeus (Greece) every three years; Ph.D. 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); member of Legislative Committees on various commercial law issues. 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 (seven 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; Director of Research at the Doctoral School of Law of the Lebanese University; former Director of the Faculty of Law of the Lebanese University until 2017; 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); legal expert for the Arab Women Organization; member of the “ILO Policy Advisory Committee on Fair Migration” in the Middle East.

Mr Lelio BENTES CORRÊA (Brazil)

Judge at the Labour Superior Court (Tribunal Superior do Trabalho) of Brazil, former Labour Public Prosecutor of Brazil, LL.M of the University of Essex, United Kingdom; former member of the National Council of Justice of Brazil; Professor at the Instituto de Ensino Superior de Brasília; Professor at the National School for Labour Judges.

Mr James J. BRUDNEY (United States)

Professor of Law, Fordham University School of Law, New York, NY; Co-Chair 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.

Mr Halton CHEADLE (South Africa)

Professor of Public Law at the University of Cape Town; former Special Adviser to Minister of Justice; former Chief Legal Counsel of the Congress of South African Trade Unions; former Special Adviser to the Labour Minister; former Convener of the Task Team to draft the South African Labour Relations Act.

Ms Graciela 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); presently Arbitrator at 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 Rachid FILALI MEKNASSI (Morocco)

Doctor of Law; former Professor at the University Mohammed V of Rabat; member of the Higher Council of Education, Training and Scientific Research; consultant with national and international public bodies, including the World Bank, the United Nations Development Programme (UNDP), the Food and Agriculture Organization of the United Nations (FAO), and UNICEF; National Coordinator of the ILO project "Sustainable Development through the Global Compact" (2005–08).

Mr Abdul G. KOROMA (Sierra Leone)

Judge at the International Court of Justice (1994–2012); former President of the Henry Dunant Centre for Humanitarian Dialogue in Geneva; former member and Chairman of the International Law Commission; former Ambassador and Permanent Representative of Sierra Leone to the United Nations (New York) and former Ambassador Plenipotentiary to the European Union, Organisation of African Unity (OAU) and many countries.

Mr Alain LACABARATS (France)

Judge at the Court of Cassation; former President of the Civil Chamber of the Court of Cassation; former President of the Social Chamber of the Court of Cassation; member of the Higher Council of the Judiciary; member of the European Network of Councils for the Judiciary and the Consultative Council of European Judges (Council of Europe); former Vice-President of the Paris Regional Court; former President of the Paris Appellate Court Chamber; former lecturer at several French universities and author of many publications.

Ms Elena E. MACHULSKAYA (Russian Federation)

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

Ms Karon MONAGHAN (United Kingdom)

Queen's Counsel; Deputy High Court Judge; former Judge of the Employment Tribunal (2000–08); practising lawyer with Matrix Chambers, specializing in discrimination and equality law, human rights law, European Union law, public law and employment law; advisory positions include Special Adviser to the House of Commons Business, Innovation and Skills Committee for the inquiry on women in the workplace (2013–14).

Mr Vitit MUNTARBHORN (Thailand)

Professor Emeritus of Law in Thailand; former United Nations University Fellow at the Refugee Studies Programme, Oxford University; former United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography; former United Nations Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea; former Chairperson of the United Nations Coordination Committee of Special Procedures; Chairperson of the United Nations Commission of Inquiry on the Ivory Coast (2011); former member, Advisory Board, United Nations Human Security Fund; a Commissioner of the United Nations Commission of Inquiry on the Syrian Arab Republic (2012–16); recipient of the 2004 UNESCO Prize for Human Rights Education; former United Nations Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

Ms Rosemary OWENS (Australia)

Professor Emerita of Law, Adelaide Law School, University of Adelaide; former Dame Roma Mitchell Professor of Law (2008–15); former Dean of Law (2007–11); Officer of the Order of Australia; Fellow of the Australian Academy of Law (and Director (2014–16)); former editor and currently member of the editorial board of the *Australian Journal of Labour Law*; member of the scientific and editorial board of the *Révue de droit comparé du travail et de la sécurité sociale*; member of the Australian Labour Law Association (and former member of its National Executive); International Reader for the Australian Research Council; Chairperson of the South Australian Government's Ministerial Advisory Committee on Work–Life Balance (2010–13); Chairperson and member of the Board of Management of the Working Women's Centre (SA) (1990–2014).

Ms Mónica PINTO (Argentina)

Professor of International Law and Human Rights Law and Dean of the University of Buenos Aires Law School; Judge and President of the World Bank Administrative Tribunal; Judge at the Administrative Tribunal of the Inter-American Development Bank; Vice-President of the Advisory Committee on nominations of judges of the International Criminal Court; commissioner at the International Commission of Jurists; former Special Rapporteur on the independence of judges and lawyers; former United Nations Independent Expert on the situation of human rights in Guatemala and Chad; member of the International Law Association, the ICSID Panel of Conciliators and Arbitrators, the Advisory Council of the Association for the Prevention of Torture, the Argentine Council on International Relations and the American, French and European Societies of International Law; associate member of the Institut de droit international; former visiting professor at Columbia Law School, Paris I and II and Rouen universities; has taught at the Hague Academy on International Law and at the European and Inter-American Institutes on Human Rights.

Mr Paul-Gérard POUGOUÉ (Cameroon)

Professor of Law (*agrégé*), Professor Emeritus, Yaoundé University; guest or associate professor at several universities and at the Hague Academy of International Law; Head of the Department of Legal Theory, Legal Epistemology and Comparative Law and Director of the Master's Programme of Legal Theories and Pluralism of the Faculty of Law and Political Sciences of the University of Yaoundé II; on several occasions, President of the jury for the *agrégation* competition (private law and criminal sciences section) of the African and Malagasy Council for Higher Education (CAMES); former member (1993–2001) of the Scientific Council of the *Agence universitaire de la Francophonie* (AUF); former member (2002–12) of the Council of the International Order of Academic Palms of CAMES; member of the International Society for Labour and Social Security Law, the International Foundation for the Teaching of Business Law, the Association Henri Capitant and the Society of Comparative Law; founder and Director of the review *Juridis périodique*; President of the Association for the Promotion of Human Rights in Central Africa (APDHAC); Chairperson of the Scientific Board of the Labour Administration Regional African Centre (CRADAT); Chairperson of the Scientific Board of the Catholic University of Central Africa (UCAC).

Mr Raymond RANJEVA (Madagascar)

President of the Madagascar National Academy of Arts, Letters and Sciences; former member (1991–2009), Vice-President (2003–06) and senior judge (2006–09) of the International Court of Justice (ICJ), and President (2005) of the Chamber formed by the ICJ to deal with the Benin/Niger frontier dispute; Bachelor's degree in Law (1965), University of Madagascar, Antananarivo; Doctorate of Law, University of Paris II; *Agrégé* of the Faculties of Law and Economics, Public Law and Political Science section, Paris (1972); Doctor honoris causa of the Universities of Limoges, Strasbourg and Bordeaux-Montesquieu; former Professor at the University of Madagascar (1981–91) and other institutions; former First Rector of the University of Antananarivo (1988–90); member of the Malagasy delegation to several international conferences; Head of the Malagasy delegation to the United Nations Conference on Succession of States in respect of Treaties

(1976–77); former first Vice-President for Africa of the International Conference of French-speaking Faculties of Law and Political Science (1987–91); member of the Court of Arbitration of the International Chamber of Commerce; member of the Court of Arbitration for Sport; member of the Institute of International Law; member of numerous national and international professional and academic societies; Curatorium of the Hague Academy of International Law; member of the Pontifical Council for Justice and Peace; President of the African Society of International Law since 2012; former Vice-Chairman of the International Law Institute (2015–17); Chairperson of the ILO Commission of Inquiry on Zimbabwe.

Ms Deborah THOMAS-FELIX (Trinidad and Tobago)

President of the Industrial Court of Trinidad and Tobago since 2011; Judge of the United Nations Appeals Tribunal since 2014; current President of the United Nations Appeals Tribunal; former Chair of the Trinidad and Tobago Securities and Exchange Commission; former Deputy Chief Magistrate of the Judiciary of Trinidad and Tobago; former President of the Family Court of Saint Vincent and the Grenadines; A. Hubert Humphrey Fulbright Fellow; Georgetown University Leadership Seminar fellow; and Commonwealth Institute of Judicial Education fellow.

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 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).