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4C

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Report of the Committee on the Application of Standards

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President: Mr Moroni

Submission, discussion and approval of the report of the Committee on the Application of Standards

The President

(Original Spanish)

We now turn to the next item on our agenda, which is the submission, discussion and approval of the report of the Committee on the Application of Standards. Part One of the report is contained in *Record of Proceedings No. 4A*. Part Two will be published in due course in *Record of Proceedings No. 4B*.

If I may, I would briefly like to introduce the Officers of the Committee: Mr Topet (Argentina), Chairperson; Ms Regenbogen (Canada), Employer Vice-Chairperson; Mr Leemans (Belgium), Worker Vice-Chairperson; and Mr Mehdi (Pakistan), Reporter.

I now give the floor to the Reporter, Mr Mehdi, so that he may present to us the Committee's report. The other Officers will then take the floor.

Mr Mehdi

Reporter of the Committee on the Application of Standards

It is my honour to present to the plenary the report of the Committee on the Application of Standards. The Committee is a standing body of the International Labour Conference and is empowered under article 10 of the Standing Orders of the Conference to consider the measures taken by Member States to give effect to the provisions of the Conventions that they have voluntarily ratified. It also considers matters related to reporting obligations and other duties under the ILO Constitution. It is a unique tripartite social dialogue forum that discusses the application of international labour standards all over the world.

Before presenting this report, I would like to note that, in the context of continuing challenges linked to the COVID-19 pandemic, the Committee once again had to meet in a hybrid format this year. Despite the challenges posed by this situation, the Committee managed to successfully complete its work based on extraordinary working methods agreed in the context of tripartite consultations held between April and May this year.

The report of the Committee that is now before the plenary comprises two parts. The first contains the General Report, which includes the records of the Committee's general discussion and the outcome of the Committee's discussion of the General Survey of the Committee of Experts on the Application of Conventions and Recommendations on the care economy. The second part contains the record of the discussions of 22 individual cases concerning compliance with ratified Conventions and the conclusions adopted for each case. It also contains the records of the discussions of this year's General Survey by the Committee of Experts, the cases of serious failures by Member States to comply with reporting and other constitutional obligations, and the discussion of the report of the 14th Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel. The complete report of the Committee, translated into the three working languages of the Conference, will be published on the ILO's website within 30 days.

I would now like to highlight some of the main points of the Committee's discussions. This year, the discussions once again highlighted the fruitful dialogue between the Committee on the Application of Standards and the Committee of Experts. In fact, a constant dialogue between the two committees based on mutual respect is already an established practice to handle various matters of common interest. For example, the two Vice-Chairpersons of the Committee on the Application of Standards exchanged views with the members of the Committee of Experts on the functioning of the ILO supervisory system and the continuing impact of the COVID-19 pandemic during the annual session of the Committee of Experts in December 2021.

In addition, this year, the Committee was pleased to welcome once again the Chairperson of the Committee of Experts, Judge Dixon-Caton, who attended the discussions as an observer and addressed the Committee on this occasion. I note from her statements the importance that the Committee of Experts attaches to the interaction between the two committees and the fact that it is ready to take into consideration proposals which emerged during the discussion on ways to strengthen the effectiveness of the supervisory system. Judge Dixon-Caton also underscored the commitment to maintain the interaction between the two committees in order to further strengthen the standards supervisory system. The Committee also had the pleasure of welcoming the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula, who presented his committee's annual report, thus underscoring the complementarity between the supervisory procedures.

In its consideration of this year's timely General Survey, the Committee welcomed the opportunity to discuss fundamental questions of securing decent work for nursing personnel and domestic workers as key actors in the care economy. The COVID-19 pandemic has underscored the vital contributions of these workers to the health and well-being of societies. However, it has also exacerbated their already difficult working conditions. The Committee expressed deep concern at the alarming global shortages of nursing personnel – shortages expected to double by 2030. It encouraged ILO Members to urgently increase investment in national healthcare systems and improve nurses' working conditions to retain them. It also noted that domestic workers experience extremely poor working conditions and are often excluded from the same legal rights as other workers. The Committee expressed concern that many domestic workers do not enjoy fundamental freedom of association and collective

bargaining rights and are highly vulnerable to exploitation and abuse. The Committee urged Members to take measures to effectively protect the labour rights and improve working conditions of these essential workers.

The Committee also welcomed the report of the 14th Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel. In its discussion, the Committee recognized the critical importance of teachers in preparing future generations for life and work, and the continuing challenges in ensuring decent work in the profession.

Lastly, our Committee adopted a list of 22 individual cases to examine this year. Despite the limited time available, I am pleased to report that the Committee was able to consider all cases and adopt conclusions in respect of them. The governments in question had an opportunity to voice their opinions, which were reflected in the records contained in the Committee's report. I would like to take this opportunity to express my appreciation for the commitment of all parties to these discussions, despite the challenge of holding the discussions in a hybrid format.

I would like to close by thanking the Chairperson of the Committee, Mr Pablo Topet, for his skilful leadership of the meetings and efficient time management, which undoubtedly helped the Committee to complete its work. I would also like to take this opportunity to thank the Employer Vice-Chairperson, Ms Sonia Regenbogen, and the Worker Vice-Chairperson, Mr Marc Leemans, for the collaborative spirit with which they engaged with the Committee's work. And, of course, I would like to thank all members of the Secretariat and the representative of the Secretary-General, Ms Corinne Vargha.

To conclude, I recommend the report of the Committee on the Application of Standards to the Conference for approval.

Ms Regenbogen

Employer Vice-Chairperson of the Committee on the Application of Standards

On behalf of the Employers' group, I would like to begin by endorsing the report of the Committee on the Application of Standards and recommend its approval.

This year the Committee worked for the very first time in a hybrid format, combining in-person attendance with remote participation, made possible by videoconferencing technology. Overall, the Employers are pleased that the Committee was able to conclude its work successfully and on time, thanks to the discipline and cooperation of all delegates. In particular, we thank our Chairperson, Mr Topet, for the effective time management of our work. Despite this new format, the Committee once again demonstrated its ability to conduct a results-oriented tripartite dialogue and adopt clear, consensus-based, straightforward conclusions.

Regarding the discussion of 22 individual cases, the Employers were pleased to learn that many governments have already started taking remedial actions or intend to do so in the near future. We noted with satisfaction that the majority of governments engaged constructively in the Committee's process and expressed a clear and firm commitment to engagement in the supervisory system. Also, the Employers consider of utmost importance the fact that the Committee's assessments are based on sound and balanced evidence. After all, the credibility of the Committee's conclusions depends on a solid factual foundation. Establishing facts may often be a difficult process, requiring time and resources. Governments should make particular

efforts to provide complete and updated information, in consultation with the social partners, to facilitate the important work of the supervisory system.

The Employers have also, on various earlier occasions, called upon the Committee of Experts on the Application of Conventions and Recommendations to orient its preparatory assessments of compliance with ratified Conventions more strictly to the text of Conventions, and the Committee of Experts should, in this regard, fully adhere to the applicable methods of interpretation under the Vienna Convention on the Law of Treaties. Where ILO Conventions deliberately grant flexibility in implementation, for instance through the use of general terms, the Employers are of the view that this must not be undone by restrictive interpretations by the Committee of Experts. Furthermore, we call on the Committee of Experts to reflect the needs of sustainable enterprises in its compliance assessments. This important element was highlighted in the ILO Centenary Declaration for the Future of Work and must also be duly recognized in the ILO standards supervisory system.

We would like to take this opportunity to encourage Committee members, the Experts and the Office to continue cooperating with a view to increasing the transparency, efficiency, balance, relevance and tripartite governance of the ILO standards supervisory system in good faith and in a constructive manner. Let me make, on behalf of the Employers' group, a number of proposals in this spirit of constructive engagement. First, we would appreciate it if the Experts could further elaborate on the reasons why cases have been double footnoted. This should not be done only in the respective observations, but also in the General Report, in our view. Also, it would be helpful if the text of the submissions made by employers' and workers' organizations to the Experts were made available via hyperlinks in the electronic version of the Experts' report, and on the NORMLEX website. To date, while NORMLEX contains information on which employers' or workers' organizations have made submissions, the text of the submission itself is not currently available.

Furthermore, as stated in the 2017 Joint Statement of Workers and Employers, reports of follow-up missions regarding the conclusions of the Committee on the Application of Standards, or a summary with the non-confidential and concrete results of the mission, should be published on the Committee web page or in the NORMLEX database within a reasonable period of time after a mission is completed. Where such reports are referred to in the observations, access to them could be facilitated via hyperlinks in the text. We trust that the Committee web page, which is a central portal for information of relevance to the Committee's work, will be further expanded and upgraded, as needed.

In addition, the Committee discussed a number of cases containing elements of progress this year. The Employers' group is of the view that this provides an important opportunity for the Committee to showcase good practice by ILO Member States in the application of international labour standards, and to commend on a tripartite basis governments' successful efforts to improve their compliance with ratified Conventions. This point is particularly important to the Employers' group, and we support increasing the share of cases of progress within the number of cases discussed.

The Employers' group also wishes to place special emphasis on the importance of following up on the Committee's conclusions. These conclusions represent tripartite consensus on compliance issues, and thus define the mandate of related Office technical assistance and follow-up missions. In this spirit, Bureau for Employers' Activities and Bureau for Workers' Activities specialists should be systematically involved in such follow-up action, to assist employers' and workers' organizations from the respective countries, in contributing to the solution of compliance issues in a way that takes their needs into account. Reports on technical

assistance provided and missions undertaken should be made available online within a reasonable period of time.

The key role that the Office plays in helping countries better comply with their standards-related obligations cannot be stressed enough. The large number of experts' comments suggest that ratifications in certain situations may be made without the proper pre-ratification assessment, or that the outcome of pre-ratification has not been fully considered. In our view, it would be helpful for the Office in its promotional activities on ILO Conventions to encourage a careful and deliberate approach to ratification. Ratification should not be rushed, as it is an important issue that needs proper time and attention. Ratification should not be considered a political statement or a declaration of intent, but rather a treaty under international law that is meant to be complied with. The Employers' group is of the view that where governments pay specific attention to ratification, application of Conventions could be much improved in those Member States. As a result, the supervisory system would be less burdened and could focus on more serious cases of compliance.

The Employers' group trusts that all this work will continue to be done in a balanced and realistic manner, in consultation with the International Organisation of Employers and the International Trade Union Confederation, as the Employers' group and the Workers' group secretariats. We firmly believe that these proposals can work towards further improving the relevance and acceptance of regular ILO standards supervision. We look forward to discussing these proposals in more detail at the next meeting of the Committee's working methods group.

In conclusion, the Employers note with satisfaction the constructive overall operation of this year's hybrid Committee session. Discussions were held respecting time limits in most cases, consensus was reached where possible and disagreements, where they existed, were respectfully highlighted in a spirit of constructive participation. I would like to conclude with words of thanks and appreciation to the International Labour Standards Department for facilitating this session. Thank you to Ms Vargha, the Director of the Department, and her team, for their invaluable support and very hard work. Also, special thanks go to our Chairperson, Mr Topet, for the fair parliamentary running of the Committee meeting this year and the very effective time management. Please also allow me a moment to thank my Employers' group, especially Mr Moyane, Mr Mackay, Ms Hellebuyck, Mr Echavarría, Ms Giménez, Mr Ricci Muadi and Ms Manrique for their support and assistance in preparing and presenting the Employers' perspective on individual cases and the General Survey. I would like also to express gratitude for the invaluable support of my team, Ms Anzorreguy and Ms Yip from the International Organisation of Employers, as well as Mr Hess and Ms Palmí Reig from the Bureau for Employers' Activities. Last but not least, I thank my friend Mr Leemans, the Worker spokesperson, and his team, as well as the whole Workers' group, for their valuable contributions to our discussions this year. Also, I would like to thank the Government representatives who participated actively in the Committee's work to ensure that our discussions were constructive and productive. Finally, I would like to thank the interpreters and the technical support team that made all of our work possible this year.

Mr Leemans

Worker Vice-Chairperson of the Committee on the Application of Standards (Original French)

The Workers' group of the Committee on the Application of Standards invites the plenary of the Conference to approve the Committee's report. In general, the Workers' group is satisfied with the way in which the Committee's work was conducted, despite some technical

and procedural difficulties which meant that some delegates were, unfortunately, unable to participate fully. The working methods were a little different again this year, posing a number of challenges all of which the Office and the Secretariat of our Committee nonetheless overcame successfully.

In this regard, our group wishes in particular to thank our Chairperson, Mr Topet, for the excellent manner in which he conducted the work of our Committee. Logistical constraints related to COVID-19 as well as time restrictions meant that, exceptionally, we considered 22 cases rather than the usual 24. However, having concluded our work, it turns out that it would have been perfectly possible to examine 24 cases. This is a lesson that we will keep in mind for next year. All of this did not prevent our Committee from once again doing considerable substantive work. The examination of the General Survey, which this year was on securing decent work for nursing personnel and domestic workers, allowed us to reach conclusions that will prove useful in the discussions planned for the Conference in 2024. This General Survey is most timely, coming in the wake of a pandemic that has revealed the fundamental importance of these occupations to our societies. The pandemic revealed all the challenges that these workers encounter. We hope that these conclusions can lay the foundations for the discussion next year, and that that will shape initiatives that the ILO can undertake in this area in order to ensure that decent work in this sector becomes a reality.

The consideration of individual cases also allowed us to reach consensual conclusions, which will allow Member States to implement the recommendations contained therein and thus rectify laws or practices that are contrary to the Conventions under consideration. The ball is now in their court, and we hope that swift, decisive follow-up action will be taken. While we rely on the Office to ensure that the implementation of these recommendations is rigorously monitored, we also rely on all of the tripartite constituents to do likewise.

I will not go back over the individual examination of all the very serious cases of misconduct examined by our Committee that warrant your attention. You will have the opportunity to read our report for that purpose. Nevertheless, I will recall a case of profound concern to the Workers' group, in respect of which we used two special paragraphs for the first time in many years. In those two special paragraphs, the Committee highlighted the continuing failure of the leader of Belarus to eliminate its serious deficiencies in the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The unique nature of the special paragraph means that it must lead to equally unique consequences. The Workers' group is deeply concerned by the news received yesterday from trade union colleagues in Belarus. We were informed that the Public Prosecutor is seeking to eliminate all free and independent trade union movements in Belarus. The Public Prosecutor petitioned the Supreme Court to put an end to the activities of all free and independent trade unions in Belarus. The Belarusian Free Trade Union, the Free Trade Union of Metal Workers, the Belarusian Independent Trade Union, the Belarusian Union of Radio and Electronics Workers, the Association of Trade Unions, the Belarusian Congress of Trade Unions: the list is impressive. The Public Prosecutor of Belarus claims that the activities of the free and independent trade unions are politicized and that their leaders are involved in destructive activities. Criminal proceedings have been initiated based on far-fetched allegations. Once again, these are particularly serious acts, committed by the Government of Belarus during the present International Labour Conference, which demonstrate its clear and consistent non-observance of Convention No. 87. These recent developments bear out the very serious observations made in the conclusions adopted by our Committee.

As usual, we engaged in dialogue with the Committee of Experts and the Committee on Freedom of Association in order to discuss the roles of the different supervisory bodies and

the way in which they interact. Our group had the opportunity to recall that the preservation and strengthening of the independence of the Committee of Experts was vital, and that there could be no question whatsoever of dictating the way in which the experts behave. For the Workers' group, it is inconceivable to seek to influence the independent and impartial examination of the legal scope, content and meaning of the provisions of Conventions by the Committee of Experts. It is impossible and never will be possible to establish any kind of hierarchy between the various supervisory bodies of the ILO. The Committee of Experts is not, and never will be, subject to any other body. The complementarity and independence of the supervisory bodies are fundamental in that they make it possible to cast light on things that can only then be reflected in our conclusions on a consensual basis. They make it possible to unleash the full potential of and the rights and fundamental freedoms contained in the international labour standards. The discussions indicate that our respective groups have widely divergent views as to the nature of the interactions between these different supervisory bodies. Unfortunately, these discussions put pressure on the credibility of the ILO supervisory system. Destabilizing the supervisory system is to destabilize the effective enjoyment of the rights and freedoms enshrined in international labour standards: that is far from desirable. The ILO must have a robust and independent supervisory system if it is to achieve its constitutional objectives.

Discussions in our Committee once again revealed the divergence of views on fundamental issues relating to international labour standards. First, with regard to the fundamental issue of the right to strike. What would freedom of association and the right to collective bargaining be without the full and entire recognition of a right intrinsically linked to them? The Committee of Experts provided a clear answer to this question. However, this answer did not satisfy everyone. For the Workers' group, there can be no compromise concerning the unconditional recognition of the right to strike based on Convention No. 87. This is a fundamental right that is vital to the effective enjoyment of the rights and freedoms enshrined in international labour standards.

I should have liked to stop at the divergence of views on fundamental issues. Unfortunately, it appears that another fundamental principle of the ILO has also been called into question. The right to collective bargaining is a fundamental right recognized by Member States through their ILO membership. They have a constitutional obligation to respect, promote and give effect to this right in good faith. How can the ILO's objectives of social progress and the pursuit of social justice be achieved if one party to a negotiation can allow itself to refuse to come to the table?

As the Worker spokesperson on the Committee on the Application of Standards, it is my duty to recall the vital importance of preserving and strengthening the independence of the supervisory bodies so as to ensure the effective implementation of the rights and freedoms enshrined in international labour standards. It is high time for our Organization to be able to focus on the promotion of its founding objectives, one of which is the adoption and promotion of international labour instruments. The Workers' group notes with concern that some constituents have discouraged the ratification of ILO instruments, whether in the context of the discussion of cases of serious deficiencies or of the discussion of the General Survey with regard to international sectoral instruments. Such an approach seems to us to run counter to the fundamental purposes of the ILO that all of the constituents should actively promote.

The Director-General of the ILO, at the opening of the current session of the International Labour Conference, rightly said that the work done by the Committee on the Application of Standards went to the essence of the historic normative role of the ILO. He emphasized that it was in our Committee that the rules we have set for over a century took concrete shape. I

thought it useful to recall these words, which allow me to pay tribute in passing to the decisive work undertaken by Guy Ryder, during his two terms as the leader of our Organization, to defend and strengthen the independence of the supervisory bodies. In conclusion, I would simply like to express the firm hope that in the future, we can continue to count on all actors in our Organization to continue to defend the independence of the ILO supervisory bodies strongly so that we can work towards social justice, which is the only way to ensure universal and lasting peace.

Mr Topet
Chairperson of the Committee on the Application of Standards
(Original Spanish)

I would like to begin by conveying my sincere thanks to the group of the Americas for putting my name forward for the great honour of chairing the Committee on the Application of Standards, and to the Government group for supporting my nomination. It has been a very special session of the Conference because we conducted our proceedings in a hybrid format, after working fully virtually in the last session. It was no less challenging, but we took it in our stride. It was also a special session because we are bidding farewell to Guy Ryder as the Director-General of the ILO. I would like to convey my gratitude to him and recall, in the words of Marguerite Yourcenar, that “The essential is that the man invested with power should have proved thereafter that he deserved to wield it”. Mr Ryder has certainly deserved it, and I believe that I am echoing a widespread sentiment.

We worked intensely in our Committee and completed the agenda items on time with the active participation of all delegates, who showed their commitment to the Committee’s mandate. Obviously, the outcomes were not achieved as a result of an individual effort; on the contrary, so many people contributed that, rather than risking any unfairness, I would like to thank everyone, on behalf of Ms Regenbogen, the Employer Vice-Chairperson, Mr Leemans, the Worker Vice-Chairperson, and the spokespersons of the groups. I appreciated their efforts to substantiate their statements, and their understanding and cordiality throughout the sittings.

Can an outcome such as that described by the Committee’s Reporter, Mr Mehdi, be achieved without the support of an excellent professional and technical team? I have no doubt that that would be impossible. Fortunately, we have in charge Ms Vargha, Director of the International Labour Standards Department, who leads with Swiss precision like the conductor of an orchestra, and the result is second to none. My personal thanks and appreciation go to her and, by extension, all members of the Secretariat.

It would be remiss of me not to mention the unconditional support I received from the members of my country’s delegation, and on behalf of the Minister of Labour of Argentina and President of the Conference, Mr Moroni, Ambassador Villegas and the Director of International Relations, Mr Corres, I wish to express my gratitude to them, without whom it would not have been possible.

We were fortunate to welcome to our Committee the Chairperson of the Committee on Freedom of Association, Mr Kalula, and the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, Ms Dixon-Caton. We learned a great deal from both of them and thank them for their knowledge and generosity in supporting our work.

I addressed the Committee at the start and before closing the last sitting to share a personal perspective on the value of the ILO standards supervisory mechanism. Its uniqueness

within the United Nations system and mechanisms of tripartite participation have made it a subject of study and admiration.

The complex machinery includes the tripartite participation and social dialogue body that is the Committee on the Application of Standards. It is a forum of institutional oversight, where employers and workers play a starring role. So, what is the basis for the social dialogue? That is where the Committee of Experts on the Application of Conventions and Recommendations comes in: around 20 independent experts of high standing who have trained and served in their professions, academia or public office in such a wide variety of countries with such different cultures that it is hard to imagine how they manage to reach consensus. Yet there the Committee is, like a lighthouse in a dark night, illuminating and providing guidance on the meaning and scope of all international labour standards – a set of legal provisions that have become of quasi-universal application.

This extraordinary situation has come about because these standards are not the work of one person, or even one group of people, but instead have been developed over more than 90 years by generations of jurists sharing a common vision. Their persuasiveness is so irrefutable that some legislations make explicit reference to them. When social dialogue is built on such a solid foundation, it is not long before more ambitious goals are reached. This is where we perceive what we call civilization.

The Committee addressed the age-old human tragedies that are still crying out for solutions in some countries: trafficking in persons, forced labour and exploitation of children. We examined cases in which the right to organize or collective bargaining had been violated. Lastly, we considered serious violations of civil liberties. The conclusions not only eloquently describe the facts and non-compliance, but also provide tools to bring an end to such tragedy and abuses.

Every now and then, I ask myself whether what we do in the Committee is meaningful. I believe it is. I believe that the collective conscience of the majority of societies and individuals wants to take part, get involved, raise their voice, and put body and soul into ending the horror of such indignity. This is evidenced by delegates' efforts to find ways of helping countries to steer their laws and practices onto the path of social justice.

We have the rare privilege of being able to gather in this universal house where all voices meet – of those who wield power and those who have none. Thanks to the twentieth-century invention of collective representation, we hold discussions on an equal footing.

So, will we be able to use the powerful tools with which the ILO provides us in order to create equality? I would like to think we will. I believe that we are prepared to send a signal to reassure those who are unable to envision such coexistence, even if only in their thoughts.

More than a hundred years ago, a utopia, created by people ill at ease with the reality of conflicts and social injustices, of an organization open to the leading actors in society seemed impossible. However, they showed the world that nothing is impossible. Having inherited a century-long legacy, in these distressing and uncertain times we look expectantly to the banners of social justice, decent work, a human-centred approach and decommodification of labour. We must not forget that. I would therefore like to close with the words of a fellow Argentinian, the poet Olga Orozco, from the small town of Toay, in La Pampa, who put it better than I ever could: "You did not eat of the lotus of forgetfulness, the Homeric privilege of the gods, because you already knew that those who forget turn into inanimate objects, nothing more than an undertow or flotsam, at the whim of the capricious sea of other memories." Thus,

let us never forget to keep with us at all times the treasure we have been given, otherwise we will remain at the whim of the capricious sea of other memories.

The President (Original Spanish)

Having heard these statements, I now declare open the discussion of the report of the Committee on the Application of Standards.

Ms Karvar Government (France), speaking on behalf of the European Union and its Member States (Original French)

I am speaking on behalf of the European Union and its Member States. Candidate countries Türkiye, North Macedonia, Serbia, Montenegro and Albania, the European Free Trade Association country and member of the European Economic Area, Norway, as well as Ukraine, Georgia and the Republic of Moldova, align themselves with this statement.

To begin with, we would like to thank the President of the Conference, the Chairperson of the Committee and the Reporter, and also the Secretary-General and the Secretariat for their dedication and perseverance in making this session of the Conference a success and ensuring that the work of this important Committee delivers on its core mandate.

In the same vein, we would like to thank the Worker and Employer spokespersons for their constructive spirit and contributions. We welcome the Government members' positive approach and engagement in the process. The Committee embodies the true essence of mutual respect and tripartism, and we strongly believe that commitment to the work of our Committee to improve the application of Conventions should remain a priority for all constituents. We welcome the discussions and appreciate the fact that we were able to return almost to our usual timetable.

We strongly believe in the fundamental importance of international labour standards, their ratification, and the effective and authoritative supervision of their implementation. We fully support the Committee's premise that this foundation is essential for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable, equitable and resilient, as outlined in the Global Call to Action. It plays a central role in preventing further socio-economic regression and in putting recovery efforts on a more stable footing, as well as in ensuring decent work and sustainable development in general.

We are firm advocates of the need for an independent, expert-based, efficient and robust supervisory system to oversee the application of ILO Conventions. We are convinced that a well-functioning supervisory system, tripartism and social dialogue are critical to ensure the credibility of the Organization's work as a whole.

The Committee on the Application of Standards is a unique mechanism that enables all constituents to discuss the implementation of ILO Conventions in a constructive, respectful and tripartite manner, based on objective, impartial and independent observations by the Committee of Experts. This enables an exchange of views and fosters progress.

In this respect, we welcome the fact that the conclusions of the Committee on the Application of Standards are more action-oriented, ambitious and achievable, fostering the commitment of ILO Member States. We encourage them to comply with the conclusions to the greatest extent possible, where appropriate with the support of ILO technical assistance and/or missions.

We will continue to fully support and reinforce the ILO's supervisory system, as we remain convinced that it is one of the most extensive and valuable examples of a multilateral, rule-based order, which, we feel, as it gains more importance, is facing renewed attacks that must be overcome. We are looking forward to constructive engagement with the Office and the tripartite constituents in following up on the conclusions of the Committee.

Ms Qian
Government (China)
(Original Chinese)

China has noted the Committee's conclusions on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by China. Since 2020, the Chinese Government has provided the Committee with materials on five occasions and has repeatedly clarified and re-established the truth. It has stated that Chinese laws are fully compliant with the Convention. Its implementation has been nationwide and its achievements have been witnessed by all. However, some organizations have smeared and attacked China, and some Western countries have denigrated and attacked China. On the basis of this alone, the Committee has drawn up its partial conclusions, in total disregard of 20 delegates' statements in support of China's implementation status. China strongly rejects the conclusion on the situation related to Xinjiang and categorically rejects the request to repeal or amend national and regional legislation and regulations.

We note that the conclusions on Nicaragua are also outside the scope of the Convention.

Finally, I would like to insist that the function of the supervisory mechanism is to promote the protection of workers' rights instead of being a political instrument of some Western countries to smear and denigrate China. Over the years, China has cooperated actively with the ILO and the tripartite supervisory mechanism. We will continue to communicate in good faith with the ILO on related questions.

Ms Macdonal Álvarez
Government (Plurinational State of Bolivia)
(Original Spanish)

I would like to take a moment to congratulate the President and thank him for his work during this session of the Conference. I would also like to congratulate the Chairperson and Vice-Chairpersons of the Committee on the Application of Standards, the tripartite constituents, the Secretary-General and the Secretariat for their dedication and hard work in preparing for this session of the Conference. We take note of the report submitted by the Committee and reiterate Bolivia's firm commitment to carrying out its responsibilities under the ILO Conventions it has ratified.

We wish to emphasize that the work of the Committee within the supervisory system monitoring compliance with the Conventions that Members have ratified and undertaken to apply is crucial to the work and credibility of the Organization. Consequently, its analyses must be impartial and depoliticized and must primarily promote cooperation and constructive dialogue.

We would like to reiterate that the conclusions on the individual cases must take into account all of the information provided by the tripartite constituents in a balanced manner and must be based on evidence and facts from reliable sources of information. We therefore encourage the Committee to work together with Governments to continue to make progress

on tripartite dialogue and on the implementation of their established commitments within the framework of national sovereignty and non-interference in a country's internal affairs. Solidarity, complementarity, constructive dialogue and respect among all parties must always be our mode of operation in the protection of labour rights and the advancement of social justice and sustainable development.

Mr Colmenares
Government (Bolivarian Republic of Venezuela)
(Original Spanish)

We congratulate the Officers and the members of the Committee on the Application of Standards for having completed their work. Our delegation followed attentively the discussion of the individual cases and the adoption of the related conclusions. We would like to note, in a constructive, respectful and reflective manner, our concern at the fact that there were various cases in which the Governments concerned, including China, Belarus and Nicaragua, among others, expressed concern at the tendency to politicize the discussions in relation to those cases. It is worth examining this tendency with a view to determining whether there is indeed scope to improve the mechanism of the Committee on the Application of Standards, which does not apply sanctions and must never be politicized. The purpose of the Committee is to promote constructive dialogue, cooperation and improved compliance with Conventions on the basis of discussion and genuinely taking account of tripartite debate. The conclusions must be adopted through genuine tripartite consensus for the Governments concerned to be able to accept them and commit to complying with them. We submit this respectfully and constructively so that it is put on record and applied to all the cases to which we referred.

Mr Quintanilla Román
Government (Cuba)
(Original Spanish)

Cuba takes note of the report of the Committee on the Application of Standards. With respect to the case of China, we consider that the information provided by the country's delegation must be taken into account. This includes updated evidence and shows the willingness of the Government to continue making progress with social dialogue in its territory and in its work with the ILO. As to the case of Nicaragua, we would like to highlight the communication and cooperation maintained by the Government with the Committee of Experts on the Application of Conventions and Recommendations, thereby honouring its commitments to the Organization. Cuba has emphasized, on various occasions at the ILO, the importance of allowing Governments the time and space necessary to work together with the relevant stakeholders under their national legislation and in accordance with their obligations and commitments under international labour standards. The ILO must be a forum for solutions and consensus, and broad and inclusive dialogue, where the opinions and consent of the countries concerned are crucial. In this context, it is essential to avoid politicization and a punitive approach, which do not advance our discussions or contribute to our joint objective of making comprehensive progress on matters of the world of work. Lastly, Cuba reaffirms the importance of continuing to promote tripartism and social dialogue in every country and in the ILO's work together with cooperation. We believe in genuine, respectful dialogue and negotiated solutions.

Ms Bohórquez Palacios
Government (Nicaragua)
(Original Spanish)

At this closing sitting of the 110th Session of the International Labour Conference, we again call on the Committee on the Application of Standards not to assume a role that exceeds its competence. We urge its members to resume their duty to act impartially and not to be influenced by campaigns of lies and disinformation. Nicaragua reaffirms that it is the duty of all nations to foster friendly relations based on respect for the principle of equal rights and our obligation under the Charter of the United Nations not to intervene in matters which are essentially within the domestic jurisdiction of any State. We reject any manipulation of the mechanisms of the International Labour Organization aiming to interfere in the domestic affairs of the Member States of this Organization. We encourage the Member States and organizations participating in this 110th Session of the International Labour Conference to redouble their efforts to establish true cooperation mechanisms, ensuring equal conditions and respect for all participants.

Mr Ali
Government (Pakistan)

Pakistan has observed the proceedings of this Committee very closely and has noted the statements made by the social partners and the governments. We have taken note of the Committee's report and thank the Chairperson, the Vice-Chairpersons, the Secretariat and the tripartite constituents for their contributions.

We believe that the objectives and purpose of the ILO and this Committee are best advanced by addressing issues in the spirit of tripartite cooperation and by promoting social dialogue, while respecting the national sovereignty of States and recognizing that they have engaged with the Committee constructively. Based on experience, resorting to exceptional measures may be inadvisable. Dialogue and engagement aimed at securing the cooperation of the country concerned, improving labour standards and promoting social justice should remain the priority.

The most sustainable and results-oriented conclusions are those that are formulated in the spirit of tripartite cooperation and transparency and that convey the actual sense of the discussion in the room. We are of the view that the conclusions of individual country cases must draw upon evidence and facts from reliable sources of information, while giving due and balanced consideration to all comments made in the discussion. We said this earlier, and would reiterate, that it is important to refrain from politicizing the work of the ILO supervisory mechanism and the Committee. Objectivity is the first victim of politicization, which also contravenes the human-centred approach that we advocated in the ILO Centenary Declaration for the Future of Work and reaffirm every year, especially in the post-pandemic world of work.

Mr Markovskii
Government (Russian Federation)
(Original Russian)

I would like to thank the Chairperson, Mr Topet, the Vice-Chairpersons, the members of the Secretariat and all others who were involved in the Committee on the Application of Standards, including the interpreters, for having made this session of the Conference such a success.

We have read the Committee's report very carefully. We note that the main function of the ILO supervisory mechanism is to promote mutually beneficial, constructive dialogue that is intended to give full effect to ILO standards that have been adopted. These are important goals and they can only be achieved if we are objective, impartial and comprehensive in the way that we look at all of the cases, and if we consider all provisions within the Conventions.

That being so, having a system where you point fingers and level accusations at a State cannot promote our goal. It is very important, when we are considering the individual cases, that everything that is done is based on evidence from reliable sources. It is also important to pay equal attention to all comments made in the course of a discussion of any particular case. We also have to look at the question of equitable geographical distribution in terms of the cases that are considered, especially when the list of cases is shorter than usual. It is very important to be impartial and objective, otherwise the Committee's authority and credibility will be undermined.

Mr Shammout
Government (Syrian Arab Republic)
(Original Arabic)

At the outset, we would like to thank the President for his commendable efforts in managing the sittings of this session of the Conference, and would also like to convey our highest regards to the Secretary-General, Mr Guy Ryder, and all his staff for their highly commendable efforts in organizing it. Furthermore, we would like to thank the members of the Committee on the Application of Standards for their efforts over the past two weeks.

While we always reaffirm the importance of compliance with international agreements and international labour standards, we are keen to avoid politicization of the workings of our Organization, and we wish especially to uphold the principle of non-interference in the domestic affairs of countries. In this regard, we would like to draw attention to the conclusions of the Committee in the cases of Nicaragua, China and Iraq, among others, with regard to their cooperation with the ILO, and the fact that they submitted their replies and made efforts, and will continue to make efforts, in this regard. Therefore, our delegation supports the position of the governments of those countries with regard to their cooperation with the ILO and other international organizations, and we look forward to this cooperation being carried out in a manner that avoids any politicization of the ILO or deviation from its standards and goals.

Mr Southichak
Government (Lao People's Democratic Republic)

My delegation would like to thank the Chairperson and the two Vice-Chairpersons of the Committee on the Application of Standards, the tripartite constituents, the Secretariat and the interpreters for their hard work and great efforts. We take note of the report the Committee has submitted to the Plenary.

My delegation commends and supports China's tireless efforts and achievements made in implementing the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), such as deepening cooperation with all stakeholders, including the social partners, fulfilling all requirements of the Convention, continuously improving its legal system, ensuring equal employment opportunities and equal treatment for workers, promoting and protecting the employment rights of marginalized groups of people and ethnic minorities, including in the Xinjiang area, among others.

The Lao People's Democratic Republic strongly believes that the standards supervisory system of the ILO should carry out its mandate to promote cooperation and constructive and genuine dialogue, and should remain free from politicization of issues that are not under the mandate of the Committee or the ILO.

Mr Pakseresht
Government (Islamic Republic of Iran)

I would like to express my delegation's sincere gratitude to the distinguished Chairperson, the two Vice-Chairpersons, the tripartite constituents and the Secretariat of the Committee for the hard work they accomplished and the commitment and dedication they showed during the Committee's work.

We attach great importance to the ILO standards supervisory system and firmly trust that promoting cooperation and constructive dialogue are always at the heart of the Committee's efforts in settling individual country cases.

The Islamic Republic of Iran takes note of the Committee's report to the Plenary and highlights the importance of giving due consideration to geographical balance in establishing the shortlist of individual country cases. Furthermore, we believe that it is imperative to give due regard to all comments made in the discussion, and that relying on evidence and facts from reliable sources is vital for the cause of the Committee. In conclusion, we call upon the Plenary to give due consideration to the important observations made by the distinguished representative of China as the country concerned in Case No. 5.

Ms Moreno
Government (United States of America)

I am speaking on behalf of Australia, Canada and the United States. We are pleased with the work this year of the Committee on the Application of Standards, which successfully and fully discharged its duties, despite the challenging hybrid context. We thank the Chairperson, the Worker and Employer Vice-Chairpersons, all participants and all staff who worked tirelessly behind the scenes to ensure the smooth functioning of the Committee over these past several weeks.

We underscore the critically important work of the Committee in supervising countries in the application of the international labour standards that they have ratified and agreed to meet in both law and practice. We have full confidence in the ILO supervisory system and the Committee on the Application of Standards. We support the independence and impartiality of the Committee of Experts on the Application of Conventions and Recommendations and appreciate its critical contribution.

The ILO supervisory system, including the Committee on the Application of Standards, is unique. It is an essential cornerstone of the International Labour Organization's mandate and mission and is critical to the credibility of the ILO's work as a whole. We remain strongly committed to ensuring the proper functioning of the ILO supervisory mechanisms going forward, with a view to creating and maintaining decent work and social justice for all.

The President
(Original Spanish)

We shall now proceed with the approval of the report of the Committee on the Application of Standards.

If there are no objections, may I take it that the Conference approves the report, as contained in *Record of Proceedings* No. 4A?

(The report is approved.)

I would like to congratulate the Committee on its hard work. The work of the Committee on the Application of Standards is one of the cornerstones of the ILO's mission to promote social justice. I extend our deep appreciation and sincere congratulations to the constituents and to the Secretariat of the Committee.

I thank them all for their valuable contribution to our work today. This concludes this 12th plenary sitting of the 110th Session of the Conference.

(The sitting adjourned at 12.15 p.m.)