India (ratification: 1954). A Government representative noted the comments of the Committee of Experts and recalled that the Government had submitted two reports to the Committee, one of which related to matters raised by the Committee of Experts. The second report was submitted on 19 February 1991. The Government had submitted two reports to the Committee, one of which related to matters raised by the Committee of Experts. The second report was submitted on 19 February 1991.

With regard to bonded labour, he recalled the historical background of India's efforts to combat this problem. He noted that the Karachi Congress in 1931 had addressed the issue of the abolition of serfdom, long before India had ratified Convention No. 29. Furthermore, article 22 of the Indian Constitution of 1949 prohibited bonded labour, and in 1954 India had ratified Convention No. 29.

Twenty-two years later, the Bonded Labour System (Abolition) Act, 1976 and the Bonded Labour System (Abolition) Ordinance 1978, which the Indian Labour Act, 1986 prohibited bonded labour. The fight against bonded labour had been a prime objective of past governments, and figured prominently in the Twenty Point Programme for the Nation under that Party's banner.

It was of paramount importance to arrive at a precise definition of bonded labour. He noted that bonded labour was characterized by an unequal exchange system, where one person rendered his services against a debt of any of his family members under compulsion to another in order to pay off a debt, and as a consequence was denied freedom of movement, choice of employment, and minimum wage. He also stressed that it was difficult to identify bonded labourers, and he noted that a labourer who had been a bonded labourer would normally not elicit a reliable response, since many such persons were too intimidated or ignorant of their rights under the law to have confidence in the investigator. Only through a non-traditional and non-confrontational approach could investigators win the trust of bonded labourers and hear their stories. The establishment of reliable statistics depended on the orientation and training of local magistrates and members of the vigilance committees to adopt such an approach when investigating bonded labour. The establishment of reliable statistics was the first step in the preparation of programmes for the eradication of bonded labour.

Once bonded labourers had been identified, the next step was to formulate a rehabilitation policy which the current government, it had not succeeded in eradicating poverty. Therefore, the full eradication of bonded labour would only be possible through a holistic and parallel approach to dealing with the nation's economic disarray.

Rehabilitation was the next important step after a bonded labourer had been identified and released. The speaker recalled that the Bonded Labour Rehabilitation Scheme of 1978 provided for assistance and funding for rehabilitation measures, which included the allotment of land, the development of land already owned, credit, subsidized housing, health services, skill training and the support of women and children. He recalled that up to March 1999, over 220,000 bonded labourers had been released and rehabilitated, and that 17,000 were in the process of being rehabilitated. Despite such progress, further funding and research was needed.

Concluding his statements on the issue of bonded labour, the speaker indicated that a full-fledged division in the Ministry of Labour was devoted to bonded labour, and that screening committees had been established which would assure that funds released for programmes for the eradication of bonded labour were efficiently used. The Ministry of Labour also ensured that any complaints received regarding bonded labour were communicated to the district magistrate, with strict deadlines for a response, and follow-up procedures. In this regard, it was pointed out that the federal Government's role was to coordinate a national policy on bonded labour, but that it was ultimately the State's responsibility to ensure that such policies were implemented. Finally, only close collaboration with NGOs would assure the full outreach of such programmes.

Turning to the problem of child labour, the Government representative emphasized the national Government was totally committed to the elimination of child labour. He referred to the Children (Pledging of Labour) Act, 1933 prohibited parents from mortgaging the services of their children, and that the Employment of Children Act, 1938 restricted child labour in a number of areas. Furthermore, in 1986 India had ratified Convention No. 138 on child labour, the Child Labour (Prohibition and Regulation) Act, 1986 prohibited the employment of children under the age of 14 in hazardous industries. Parts A and B of this Act prohibited child labour in 64 industries identified by the International Labour Office as hazardous, and illegal and child Labour Technical Advisory Committee established under section 5 of the Act had recommended another nine industries as hazardous. As with bonded labour, it was difficult to establish reliable statistics on child labour. He recalled that the Children Act, 1986 provided for countrywide surveys of child labour on the district level and reiterated the principle of free and compulsory educational age of 14. The National Commission on Child Development communicated to officials at the local level and funds had been placed at the disposal of all 535 districts for conducting the survey, which had been completed and the report of which had been submitted to the Supreme Court on 31 May 1997.

He recalled that 93 national child labour projects had been made operational with the purpose of identifying, releasing, and rehabilitating child labourers. In the context of these programmes, 3,000 special schools had been established and 3,000 teachers had been appointed to provide education, skill training, health care, and other rehabilitation services to released child workers. Moreover, India subscribed to the principle that education for children between the ages of 5 and 14 was a fundamental human right. He regretted that the Declaration of the 83rd Constitutional Amendment, which sought to make education a fundamental right and which provided for compulsory and universal primary education, had not been carried to its logical conclusion due to a number of reasons, but hoped that similar efforts would succeed in the future.

As with bonded labour, he observed that child labour was closely linked to lack of education, landlessness, assetlessness and poverty. The process of economic development caused significant social upheaval, and as a result, economic activity was highly dynamic and there were many such persons were too intimidated or ignorant of their rights under the law to have confidence in the investigator. Only through a non-traditional and non-confrontational approach could investigators win the trust of child labourers and hear their stories. The establishment of reliable statistics depended on the orientation and training of local magistrates and members of the vigilance committees to adopt such an approach when investigating child labour. The establishment of reliable statistics was the first step in the preparation of programmes for the eradication of child labour. He recalled that the Children Act, 1986 provided for countrywide surveys of child labour on the district level and reiterated the principle of free and compulsory education for children of ages 5 to 14. The National Commission on Child Development communicated to officials at the local level and funds had been placed at the disposal of all 535 districts for conducting the survey, which had been completed and the report of which had been submitted to the Supreme Court on 31 May 1997.

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As with bonded labour, he observed that child labour was closely linked to lack of education, landlessness, assetlessness and poverty. The process of economic development caused significant social upheaval, and as a result, economic activity was highly dynamic and there were
therefore, circumstances in the country might result in the exploita-
tion of children despite the legal measures in place. Accordingly, it
was necessary that the enforcement of the law, the speed of
which all complaints would be properly investigated and all offences
punished.

Noting the lack of accurate statistics on the number of prostitu-
tes in India, he cited a survey conducted by the Central Social
Welfare Board in six selected cities, which found that there were
70,000 to 100,000 prostitutes in India and that 30 per cent of this
number was under the age of 20 years. He noted that 4.77 per cent
of this population were from neighboring countries. Poverty was
the main factor which led to prostitution. The illiteracy rate among
this population was 71 per cent. Families of prostitutes were prima-
arily unemployed or were in unskilled employment.

With regard to the legal framework established to eradicate this
problem, he noted that article 23 of the Indian Constitution prohib-
ited trafficking in human beings. Moreover, India had ratified the
UN Convention on the Rights of the Child as well as the UN Conven-
tion on the Elimination of All Forms of Discrimination Against
Women. It had also enacted the Immoral Trafficking Prevention
Act, which provided that sex with children would be treated as rape
and persons accused of this criminal offence would be tried in the
courts. The concrete measures to combat the problem of child pros-
titutes were small. This refusal to accept that there was a
serious problem in the country in this respect and to deal with it
was minimizing the problem of forced labour in India by insisting,
that the problem of grave magnitude would impede efforts to find a speedi-

cer solution to the problem.

The Worker members noted that the case before the Committee
was a very recent one and that India had ratified the Convention in 1954
and the Committee of Experts had been commenting on this case since
1966. It had been discussed in the Committee over the past 14 years
and had been mentioned in a special paragraph in 1994. India’s
Bonded Labour System (Abolition) Act had been in existence for
23/55
24 years. Despite the requirements under Article 1(1) of the Conven-
tion that ratifying countries undertake to eradicate forced or
compulsory labour in all its forms “within the shortest possible peri-
on”, little progress had been achieved in this area. While acknowl-
edging India’s difficult circumstances, which included a large popu-
lation and poverty, the Worker members nevertheless stated that
surely some progress should have been made in half a century.

In its other comments, the Committee had identified the fol-
loas of forced labour: bonded labour, child forced labour and prosti-
tution and sexual exploitation of women and young girls. One per-
sistent problem noted by both the Committee of Experts and this
Committee was the lack of reliable statistics on the number of
bonded labourers in India. The figures cited by the Government
representative were inconsistent with those found in its own survey,
conducted by the Gandhi Peace Foundation and the National La-
bour Institute in 1978-79, which cited a figure of 2.6 million. An-
other survey commissioned by the Indian Supreme Court in 1994
found that there were 1 million bonded labourers in the state of
Tamil Nadu alone. Other sources identified 5 to 10 million such la-
bourers.

The Worker members strongly supported the Committee of Ex-
perts’ request that the Government undertake a comprehensive
survey using valid statistical methodology, since accurate data was
essential to develop and assess effective systems to combat the
problem. The Worker members urged the Government to carry out
this survey immediately and stated that, if technical assistance was
necessary to conduct the survey, the ILO could certainly provide it.
The Worker members believed that measures were needed to eradicate
the problem in order to allocate the resources necessary to eradi-
cate it. Further, an effective system of inspection was needed and
the Government was encouraged to work with the social partners
and other organizations to strengthen it...

Referring to the Committee of Experts’ comments regarding
bonded labourers rehabilitated under the centrally sponsored scheme in
Tamil Nadu, Uttar Pradesh and Orissa, the Worker mem-
bers noted that the Committee had been asked to form a different
advisory committee, as required under section 13 of the Bonded Labour
Act, to enable them to maintain close and constant supervision over
the problem. They asked the Government to supply detailed infor-
mation on those states. They were also surprised to hear that the
Government had not published in the Government Oficials’ Bulletin
the statistics obtained in the survey. The Committee had asked for
these statistics so that it could provide a comprehensive overview of
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and other organizations to strengthen it...
The Employer members referred to the Committee of Experts' observation that the vigilance committees were not working well. Noting the Government representative's statement that the teaching of poverty as a major cause of forced labour, he felt that this problem would not be automatically abolished. However, he noted that India's vast population was increasing annually. As the Committee of Experts had noted, pursuant to the Child Labour (Prohibition and Regulation) Act, 1986, the Supreme Court of India had directed employers guilty of using child labour to pay an amount of 20,000 rupees per child in compensation, which sum would be deposited in a special rehabilitation fund. However, the Government had not provided information on any amounts recovered to date. Moreover, the Committee of Experts' comments on the lack of labour inspections in small production units under the Factories Act, 1948, he indicated that child labour and bonded labour existed in large numbers in such units.

In respect of the projects initiated by the Government, he noted that the trade unions had asked the Government to permit the social partners to monitor the progress of these programmes, but that the Government had not given any assurance regarding the same. He indicated that the Government's political will to resolve this problem was absent today.

Commenting on the issue of child prostitution, the Employer members recalled the 1998 discussion before this Committee on the existence of child welfare programmes for the protection and rehabilitation of children. There again, the Government needed to evaluate what was being applied and to determine what was not working. They requested that the Government to indicate the manner in which it was applying these programmes to determine what was not working, and to make the necessary changes. This evaluation should include the question of the effectiveness of vigilance committees as well as the new information given by the Government representative regarding the Committee of Experts' report.

The Employer members noted that, despite the measures taken by the Government, child labour remained a substantial problem. They requested the Government to indicate the manner in which it was applying these programmes, as there was no government wanting to be told about a problem. Accordingly, while the Committee recognized the difficult economic and social circumstances in the country, they considered that the Government should nevertheless place a greater priority on resolving the problem of forced labour.

The Worker member of India noted that, despite India's ratification of the Convention 46 years ago and its enactment of relevant legislation almost 25 years ago, the serious problem of forced labour continued to exist. The Worker members recalled that the IPEC had identified in 1992, he asserted that child labour and bonded labour no longer existed in the formal sector. If it did persist, this problem should be found under bonded labour, as it appears under bonded labour.

Commenting on the issue of the disparities in the statistics on bonded labour he relied on the statistics given by the Government representative which indicated that 290,340 bonded labourers had been identified and that only 7,800 remained to be rehabilitated. He characterized these as positive statistics. Recalling that India had been the first country to join IPEC in 1992, he asserted that child labour and bonded labour no longer existed in the formal sector. If it did persist, this problem should be found under bonded labour, as it appears under bonded labour.

The Employer member of India considered that the detailed information supplied by the Government representative had responded in large part to the Committee of Experts' observations. He noted that the Committee of Experts should not take cognizance of a complaint filed by an NGO in the same manner as a complaint from the social partners, because NGOs had no reciprocal obligations and commitments. Since NGOs were outside the framework of tripartism, they should not have any right to put a sovereign country in the dock.

The Worker member of Japan appreciated the measures taken by the Government to eradicate forced labour in the context of bonded labour and child labour. He indicated that the IPEC had endorsed the Convention 23, 24 and 25 of the Convention, which required the Government to issue complete and precise regulations governing the use of forced labour, to take adequate measures to ensure that these regulations were strictly applied; and to provide for the illegal exaction of forced labour to be punishable as a penal offence. He trusted that the Government would continue in its efforts to eradicate forced labour in accordance with these provisions, and therefore requested the Committee to ask the Government to provide additional information on measures taken in this regard. While he acknowledged the Government representative's statement that poverty was linked to child labour, he felt that this problem would not be automatically abolished when economic and social development was achieved.

Therefore, a firm commitment to the core labour standards remained necessary. He noted that India had ratified the Convention almost 50 years ago, but that many children remained working in hazardous conditions in the formal sector. Moreover, the number of children working in hazardous industries had increased over the past 14 years. Children still worked in agriculture, construction, mines, fisheries, factories, the bidi industry and other sectors. They worked eight to ten hours per day in unhygienic conditions. Despite rehabilitation measures taken by the Government, the number of working children in hazardous industries had increased every year. While the ILO might continue to request more information, appreciate information supplied by the Government and request additional details, the problem would not be resolved, as it was closely linked with the need to develop the economy, generate gainful employment, provide proper housing and increase the minimum wage to enable parents to maintain and educate their children. In fact, with 130 million unemployed out of an economically active population of 340 million, it was likely that the problems in India would continue to worsen.
zardous conditions, including many children in small-scale units or sex industries, as described in the Committee of Experts’ observa-
tion. Pointing out that ratifying government to take action to
use of forced labour within the shortest possible time, he expressed
his trust in India’s strong and sincere commitment to the abolition
of forced child labour.

The Worker member of Pakistan recalled that his own country
was a neighbour of India and faced many of the same problems. He
emphasized that children constituted the future of the country and
were essential for its prosperity and social and economic develop-
ment. He explained that thehurst was not equipped with human
resources and the struggle for survival and to work. Government-
ments therefore needed to comply with their national and interna-
tional commitments and ensure that a better future was offered to
the many millions of suffering children. He noted that under the
terms of the Factories Act, 1948, many small enterprises were not
subject to inspection. However, these were precisely the enterprises
in which child labour was common. Effective action to combat the
problem would require the real involvement of the social partners
in the necessary objectives. It was then necessary for the ad-
novation of the means adopted to combat the problems.

The Government representative stated that he had listened with
great attention to all the points raised during the debate. He would
deavour to respond to a number of them immediately, while sub-
mittitng memos for the future. Welcoming the report of the Com-
mittee of Experts, he explained that India had been being imple-
mented with the involvement of the social partners, he
called upon the Government to review the Factories Act, 1948, with
a view to eradicating child labour. The implementation was
an effective and realistic programme. He fully supported the concerns raised by the Committee of
Experts that the Government was not in compliance with all the
provisions of the Convention. It therefore needed to allocate great-
er resources to overcoming the problems which had been raised as a
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novation of the means adopted to combat the problems.
Sudan (ratification: 1957). A Government representative of Sudan stated that he had not believed that this case would be selected to be heard before the Committee. He recalled that the report of the Committee of Experts had contained numerous positive comments on progress in the situation in Sudan, and it indicated his Government's willingness to comply with the Committee's recommendations on the report and to provide further information. He also noted that slavery and forced labour were against the cultural values and heritage of his country and illegal under Sudanese law and the Constitution. He further recalled that the General Assembly resolution of this year which had made no mention of slavery and acknowledged that abductions occurred in the context of the civil war. He therefore emphasized that the matters raised in the report originated in the armed conflict currently raging in Sudan. Turning to government efforts to combat forced labour and slavery, he recalled the Decree of May 1999 which established the Committee for the Eradication of Abduction of Women and Children. This body had been mandated, inter alia, to investigate reports of abduction, prosecute perpetrators, and develop means to eliminate practices related to forced labour. He noted that the work of the CEAWC had resulted in the registration of 230 cases of abduction and had had 1,258 abducted persons return to their families. Further fact-finding missions, shelters for victims of abductions, and the establishment of outposts in affected areas were planned in the year 2000. In closing, he stated that the United Nations Human Rights Council had expressed satisfaction last April with the situation in Sudan. He stated that the CEAWC would continue to operate and consult with international organizations in order to address the issues raised in the report. He emphasized that, because of the cause of abductions was the civil war and that the Government was using all means at its disposal to bring this conflict to an end.

The Worker members were deeply concerned by the need to comment yet again on the application of the Conventions to Sudan. The case had already been the subject of special paragraphs in 1992, 1993, 1997 and 1998. The comments by the Committee of Experts and the statements of the Government representative gave no sign, despite some meek initiatives, of genuine progress towards the abolition of forced labour and slavery in the Sudan. The reports of the Experts examined allegations of abductions and trafficking of women and children, enslavement, and forcible induction of children into rebel armed forces. According to consistent and reliable sources, such practices and methods of punishment continued in regions of the country. The last communication sent to the Committee of Experts by ICFTU contained detailed information on specific cases of abductions, enslavement, sexual abuse, forced conversions to Islam, and forced labour involving women and children in various parts of the country.

According to a report drawn up by the UN Special Rapporteur on the situation of human rights in Sudan following a visit to the country in February 1999, Mujahideen militia "... systematically raided villages, tortured and killed, stole cattle and captured women and children as war booty. Often, abducted women and children are taken up to the north and remain in the possession of the captors or other parties". What made this case even more serious was mounting evidence that in some instances women and children were reduced to slavery unless or until they were redeemed through ransom. Moreover, slavery and slave-like practices continued with abductions and trafficking of women and children. Chidren were drafted by force into rebel armed forces where they were forced to transport ammunition and supplies. The resolution adopted in April 1999 by the United Nations Human Rights Commission on this subject retained most of the terms used in previous resolutions.

They noted the first report from the Committee on the Eradication of the Abduction of Women and Children, created in May 1999 by the Government, which had reported on various missions and resulted cases in which children and women had been rescued. The report included the participation of the Government in the abduction of women and children, enslavement, and any penalties which may have been imposed for slave-taking, including troops from the Government and its militia allies. Lastly, the Government should indicate whether it accepted assistance from the Office and notably the visit of a direct contact mission to conduct an unfeigned investigation into forced labour and slavery throughout the country, as well as any measures taken to halt them.

The Employer members recalled, in similar terms as the Worker members, that this case had been examined by the Committee several times in the past decade. It had been mentioned in the reports of the Committee on the application of this Convention the Government had failed to supply the detailed information requested by the Committee of Experts. That information should cover action taken on the ground, the concrete results obtained as a result of such action, statistical data on the number of persons freed, action undertaken with a view to their return home and rehabilitation, and any penalties which may have been imposed for slave-taking, including troops from the Government and its militia allies. The Government had to ensure that it accepted assistance from the Office and notably the visit of a direct contact mission to conduct an unfeigned investigation into forced labour and slavery throughout the country, as well as any measures taken to halt them.

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cultural context. He recalled the particular geographical and demo-
graphic configuration of Sudan and the specific situation caused by the
close coexistence of numerous tribes whose coexistence had tra-
titionally been relatively balanced, external provocations had caused civil strife to erupt resulting in the taking of
prisoners and consequent retaliatory measures. The Govern-
ment had made great efforts to effectuate a truce and had succeeded in releasing and returning prisoners, including
women and children, to their families. He emphasized that war was
the cause of the problems, and that it was necessary to address the
causes of war, which could otherwise be resolved when peace
had been restored. He firmly maintained that Islam condemned the
use of force and slavery. He strongly urged the Committee to allow
the Government to pursue its efforts to remedy the situation.

The Worker member of Turkey declared his deep regret to have
to discuss a case of serious allegations concerning slavery, ser-
vice, the slave trade and forced labour, and government forces
and the militia being directly involved in such acts. He would have
liked to believe that these practices belonged to the past. He noted
that the Government representative of the Sudan had repudiated
all the observations by institutions such as the United Nations,
Amnesty International and Anti-Slavery International, but these
arguments were not convincing. In the reports of these organiza-
tions, the observations were substantiated by the names of the vic-
tims, by details of the sale of slaves and of redepositions. In one re-
port it was stated that on 10 March 2000 the Popular Defence Forces
had taken 122 women and children with them to many places and
120 people. On 11 March this year, in various other villages 299 per-
sons had been abducted. The number of chattel slaves was estimat-
ed to be more than 100,000 in Sudan and, since 1995, 30,021 slaves
had been recorded. The redemption was still not achieved. According to reports, the prices of slaves had varied. In 1997 slaves
had been redeemed for US$133 or for ten heads of cattle per slave.
In March 2000, when 4,968 black African slaves had been freed in the period from 9 to 19 March, the price was 50,000 Sudanese
pounds per slave, the equivalent of US$35 or two goats. The slaves
redeemed had testified that they had been abducted by the Nation-
al Islamic Front, mainly by its Popular Defence Force (PDF). There
was ample evidence that there were systematic raids of villages, killing of men and abduction of women and children. He noted that
if the Government of Sudan had acknowledged any problems such as
those alleged and had requested cooperation and support from
the international community and the ILO, it would have received it.
However, his Government had not endorsed this position and his
Government's commitment to transparency was also demonstrated
in the total absence of free trade unions able to make their own inde-
pendent observations free from government intervention, he urged
the Committee to recommend actions on the part of the Govern-
ment. The Committee should adopt conclusions in the strongest possible
terms. Furthermore, given the weakness of participation and the
total absence of free trade unions able to make their own inde-
pendent observations free from government intervention, he urged
the Committee to recommend a direct contacts mission so that the
Conference Committee and the Committee of Experts would have a
better chance of verifying the situation.

The Worker member of Sudan declared that the assertions made
by the previous speaker regarding trade unionism in Sudan were
totally untrue. He emphasized that the Confederation of Sudanese
Workers was a freely established and democratically elected trade
union. The Arab Labour Organization as well as the Organization
of African Trade Unions had been present during the elections
and would endorse this fact.

The Government's representative thanked the members of the
Committee for their comments on the case. He had hoped that the
discussion would be fruitful and constructive and would have taken
into account the needs and situation of developing countries. In this
respect, he emphasized the statement made at the expert level
concerning slavery in his country were obsolete. The problem un-
der examination concerned the abduction of women and children.
The situation was rendered much more complex by the civil strife in the
country, as commented by the United Nations High Commissioner.
He noted in this respect that the Human Rights Com-
mission had not even considered a special report on the situation
in his country this year, but only a note from the secretariat. It was
necessary to welcome the new developments in the country, and in
particular the establishment of a commission to eradicate the
abduction of women and children. His Government therefore wel-
comed the conclusions of the Human Rights Commission and con-
tinued to cooperate with international agencies, making available
the needed financial and human resources in order to solve
the problem, and its procedure had been established by law.
It was empowered to search for, arrest and bring to trial persons
guilty of abduction. At the present time prosecutions were not tak-
ing place because it was necessary to proceed in an orderly way in
order to give the trust and confidence of the population. If it were placed under too much pres-
sure, it might not achieve the desired results.

Workers had been returned, including the holding of a meeting to discuss issues in Sudan and to provide those concerned with all the necessary information. The Government's commitment to transparency was also demonstrated by the publication of press communiqués issuing the figures for the numbers of persons abducted and for those who had been returned

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to their families. With regard to the reference made by one speaker to the railroad linking the north and the south of his country, he emphasized that the lifeblood of the Sudanese people was linked those in the south of the country with both the north of Su-
dan and the rest of the world. He refuted any suggestion that it had been constructed for the practice of slavery and reaffirmed that its purpose, which had been to protect the population against incursions from the north Sudan. In conclusion, he undertook to cooperate with the Confer-
ence Committee and the Committee of Experts in providing all the information requested. He emphasized the need to develop suita-
ble machinery to address the problems in cooperation with the in-
ternational community and in compliance with his national Consti-
tution and beliefs.

Another Government representative, the Minister of Manpow-
er and Development, added that the statements made by the mem-
bers of the Committee had been extremely dramatic, but had not taken into account the progress that was being made. He empha-
sized that as many as 70 per cent of the southern Sudanese lived in the north of the country or in areas which were under rebel control.

Many of the alarmist reports were concocted by the rebels to place his Government in a bad light. It needed to be taken into account that 30 per cent of the Sudanese army was composed of persons from the south of the country, who would certainly not allow their own kinsmen to be enslaved. He did not deny that excesses were committed in certain conflict-affected areas. Before the outbreak of the war, the Government had taken security measures to ensure that such practices did not occur. However, it had deteriorated. Citing once again the report of the United Na-
tions Human Rights Commission, he emphasized that his Govern-
ment stood for openness and transparency and for this reason had welcomed many parliamentary delegations to the country to ob-
serve the situation for themselves.

In response to a proposal that the Government should invite a direct contacts mission to come to Sudan he stated that his country was committed to dialogue by the ILO to prevent the issue. He pro-
posed that discussions should be held with the higher authorities of the ILO with a view to arranging a visit in the future.

The Worker members welcomed the creation of the Sudanese Committee for the Eradication of Abduction of Women and Chil-
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search had also shown that vocational training courses applied to a targeted group of prisoners could lead to a reduction in reconviction rates.

Finding suitable work for prisoners was difficult. It needed to correspond to individuals with a range of abilities. The growing experience of prison services was that the best way to find suitable work for prisoners was to contract with private sector companies. The United Kingdom ensured that suitable safeguards were in place to stop the exploitation of prisoners. These arrangements had practical benefits. They increased the amount and range of work for prisoners and ensured that more realistic work for prisoners which contributed to a sense of achievement and self-esteem and helped break down barriers against the employment of ex-offenders.

A small number of United Kingdom prisons were managed under contract with private sector companies. These prisons — nine out of a total of 137 — were required to conform to the same policies and to meet the same standards as publicly managed prisons. They were subject to the same regimes of independent inspections. They were required to meet the same conditions and standards of work as those for prisoners in public sector prisons. Prisoners working in either contracted-out prisons or workshops did so under the same and equivalent terms as prisoners in publicly managed prisons. Contractually managed prisons were obliged to comply with all legal health and safety requirements.

No prisoner — whether in a publicly run, or privatized prison or workshop — was available at the disposal of the private company employers. While private sector companies might supervise the work on a day-to-day basis, the prisoner remained under the ultimate control and direction of Prison Service officials. Prisoners received pay for the work they performed. Prisons were paid by the government and not by the private company providing the work.

The Government considered that its present policies for the employment of prisoners conformed with the requirements of the Conventions. By the Committee of Experts and the Government's best intentions. His Government believed that the work or service was carried out under the supervision and control of a public authority and that the persons concerned were not hired out or placed at the disposal of private individuals, companies or associations. In his Government's view, there was no alternative to its present policies which would not severely reduce the volume and quality of work available to prisoners, to their direct disadvantage and to the wider detriment of its objectives of rehabilitation. The Government continued to believe that the present arrangements were the most appropriate. Activities including by private companies under the supervision of the Prison Service, was in line with the general aims and objectives of the Convention and other good practices, such as the European Prison Rules and United Nations Minimum Standards.

In his Government's view, it was clear from last year's discussions before the Conference Committee that the principle of prison labour needed to be given further and wider consideration. The speaker wanted to note that the Committee of Experts recognized that this was a very important issue which merited fresh attention. His Government intended to address the matter in its next report in the light of responses to last year's general observations. As the United Kingdom had made clear, they considered that it would be in the interests of rehabilitation and reintegration, it intended to participate fully in these discussions. In the meantime, his Government looked forward to continuing to discuss the issue with its social partners. The United Kingdom would also continue to provide information to the Committee of Experts through its next report on the application of Convention No. 29 and would respond in full to the direct request.

The Employer members noted, with regard to the Committee of Experts' comments concerning the United Kingdom, that the provisions in respect of overseas domestic workers had been amended and that there had been improvement in this area. However, the question of its practical application remained and the Employer members welcomed the Government's intention to give a report on the impact of the new legislation. With regard to the issue of prisoners working for private companies, they noted that the Committee of Experts did not see a problem with the Government's practice of having prisoners work on pre-release schemes where the voluntary consent of the person concerned was obtained and there were further guarantees and safeguards covering the essential elements of a labour relationship to remove the employment from the scope of Article 2(c).

Turning to paragraph 4 of the Committee of Experts' comments regarding prisoners in outside employment, the Employer members noted that this situation did not exist when the Convention was adopted and that there were two conditions which must be met before the Committee could be persuaded that a court convicted a prisoner who had not had this situation in mind. It might be addressed under Article 2(c) of the Convention, which provided that a person convicted by a court could be required to work under two conditions. First, the work or service must be carried out under the supervision and control of the public authority and, secondly, the prisoner could not be hired to or placed at the disposal of private individuals, companies or associations. If this case was to be addressed under the provisions mentioned, then the two conditions must be satisfied before the Committee, the conclusion could be drawn that the Convention was not violated as long as the prisoner remained under the supervision and control of a public authority and was not placed under the complete authority of private companies. They noted, however, that the Committee of Experts' interpretation followed the strict wording of the Convention in this regard. The Employer members then raised the question of the conditions under which prisoners could work in the Convention. Private companies should be subject to the same employment conditions prevailing on the free labour market, pointing out that the Convention was silent on this point with regard to outside prison labour. However, it was well established that prisoners were more productive as other workers and the risk of harm or damage was higher. Because of these conditions, prisoners did not receive much work from outside employers and therefore went out to seek employment for private independent groups. The Employer members believed that it was important for prisoners to perform meaningful work which would allow them to be reintegrated into society and help prevent recidivism. Such work helped the prisoner to acquire an independent role within society, the benefit being that they received an income. In conclusion, they indicated that a broader approach to this issue should be taken by the Committee. Noting that the Convention was drafted before the issue of private prison labour arose, they assessed that it was necessary for private companies to be subject to the same conditions as public authorities. The public authorities must retain supervision and control over the prisoners and determine the conditions under which a prisoner would carry out work for a private company. While the Committee of Experts might not respond in full to this issue for some time, the dialogue should be continued and more attention should be paid to this growing practice.

The Worker members noted that greater attention had been devoted in recent years to the issue of prisoners working for private companies, and a dramatic increase in the practice had been noted. The Committee of Experts had again commented on Convention No. 29 with regard to the United Kingdom. However, it had also commented on the use of private prison labour in Cameroon. Therefore, there was an emerging jurisprudence on private prison labour which would be strengthened next year when the Committee of Experts would again address the issue of prisoners being ‘hired to or placed at the disposal of private individuals or companies for remuneration’. Moreover, next year’s Global Report would focus on Conventions Nos. 29 and 105, which might provide yet another opportunity to focus on the exploitation of private prison labour. The Worker members welcomed the increased attention being devoted to this growing global practice and considered the Committee of Experts’ efforts to clarify the provisions of the Convention as an example of the ability of the supervisory machinery to apply a Convention in a positive and constructive manner to new developments and modern circumstances.

The Worker members recalled that private prison labour was clearly prohibited under Article 2(2)(c) of the Convention. However, it was well established that the Convention had not set out what was meant by ‘hired to or placed at the disposal of private individuals, companies or associations’. The Committee of Experts would again address the issue of prisoners being ‘hired to or placed at the disposal of private individuals for remuneration’. While the Convention was silent on this point, the dialogue should be continued and more attention should be paid to this growing practice.
ment's comments in the Committee of Experts' report and before the Conference Committee concerning the implementation of new rules adopted by the United Kingdom. The Committee of Experts protecting domestic workers were especially vulnerable to abuse and exploitation, they requested the Government to continue to provide updated information to the Committee of Experts on the effectiveness of the new rules.

Turning to the issue of prisoners working for private companies, they noted that the Committee of Experts' comments addressed outside employment as well as contracted-out prisons and prison industries. The Committee of Experts indicated that prisoners employed outside prisons were subject to income tax and national insurance contributions from the wages they received. The Government had stated that it was prison service policy that such arrangements did not give an unfair competitive advantage to enterprises employing prisoners and must not treat prisoners less favourably than other workers in comparable employment. Therefore, it should be easy for the Government to include prisoners under the national minimum wage law as requested by the Committee of Experts. With regard to contracted-out prisons and prison industries, the Committee of Experts was absolutely clear in paragraph 8 of its comments that, even if a prisoner remained under the supervision and control of a public authority, the private company would be paying vетted work given to prisoners and therefore had ultimate control if they were comparable, then the private company would be paying for a private enterprise brought into a public prison — could only be considered to be done voluntarily if the relationship with the private company were in conditions approximating free employment. The Committee of Experts had therefore requested that the Government implement legislation requiring private companies to pay the national minimum wage, execute an employment contract with the prisoner and provide other employment-related benefits. She submitted that this was not the only logical Report that could be supported under the provisions of the Convention. She considered that there was no need for a prisoner to have a normal employment relationship with the private company to ensure that the prisoner had given true and genuine consent. Article 2(1) required the person to have offered himself voluntarily and without threat of a penalty. She pointed out that while there might be many reasons to volunteer, this did not detract from the fact of voluntary consent. The objective of a voluntary relationship could not be reducing a condition preventing a private company from requiring prisoners to do the work and from imposing a penalty if they did not work. This would remove any work done within private prisons from the definition of a voluntary employment relationship and would not be a realistic option given the United Nations Minimum Rules.

The Worker member of the United Kingdom supported two points made by the Government representative. First, the current policies which would not severely reduce the volume and quality of the work available to prisoners. She also supported the continued ability of private companies to contract with public authorities for the management of prisons. This, she stated, did not mean that British employers in the private sector were in competition with domestic workers, and the Immigration Minister of the Home Office to address problems facing domestic workers previously admitted to the country who were in precarious situations. She stated that the Worker members requested the Government to create a legal framework for the establishment of a direct contractual employment relationship between the company and the prisoner.

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The Worker member of the United Kingdom first turned to the part of the Committee of Experts' comments regarding domestic workers from abroad, noting that some welcome progress had been made, but that room remained for improvement. In its response to the Committee of Experts' comments regarding domestic workers, the Worker member noted that the Committee of Experts had referred to the Immigration Minister regarding the situation of domestic workers, and welcomed the general discussion on this subject to be held next year following publication of the Working Report.

Turning to the issue of prisoner labour, she noted that the Worker member had already reacquainted the Committee with the basic issues in the case. He stressed that the requirements of the Convention as set forth in Article 2(2)(c) were as clear in 1930 as they were today. In so far as circumstances relevant to the operation of the rules in ratifying States had changed, he considered that the Committee of Experts had responded correctly and had established clear jurisprudence. He noted that the Worker members had referred to the case of the GCHQ and recalled the persistent refusal of the previous Government of the United Kingdom to accept the authority of the Committee of Experts, or indeed of the Conference Committee. He referred to information supplied by his trade union to the Committee of Experts in connection with this case, which consisted of first-hand research undertaken on that matter. The results of the
The research was then compared with the Convention’s requirements and the Committee of Experts’ findings. The research was carried out following a three-day working week in December 2019. The General Secretary of the Prison Officers’ Association met with the then Prisons Minister to discuss the divergence between law and practice in the United Kingdom and the requirements of the Convention. The Minister had invited the author to visit privately run prisons and state-run prisons to talk to prisoners and prison managers about work for private companies. Last August, the speaker had visited three prisons: a state-run remand prison for young women; a state-run prison for men; and a privately run local male prison. He spoke to prisoners in all three prisons and in two of them, including the privately run prison, he spoke to prisoners working for private companies which had contracted work to the prison. The governor of the open prison supplied valuable information on pre-release schemes and work done inside the prison for private companies. The additional evidence submitted to the Committee of Experts was the result of those visits. He noted that, in light of those reports, the Committee of Experts had raised its concerns and he hoped that the Government was now quite clear about the divergences between its law and practice and its obligations under the Convention. Unfortunately, the research had found that the courts had in all cases upheld the employers’ claim that the prisoners were able. In this context, the speaker stressed that, certainly, none of the members of the Committee would accept the arguments of those employers. He stated that it should not be surprising that the way prison labour was paid in the United Kingdom did not have a place in the economy.

If work could not be performed for proper wages, then perhaps it would be unprofitable if normal wages were paid and explained that these schemes useful to facilitate the reintegration of prisoners into society and the labour market. However, he stressed that, when prisoners were paying their debt to society, society should be represented by the State, not by the shareholders of private companies. He noted that the human rights regime would uphold its obligations, in particular the Convention for the United Kingdom and for any other ratifying State. While he acknowledged that the situation in the United Kingdom did not involve physical mistreatment of prisoners by private companies such as beating or torture, social exploitation of prisoners that undermined the prisoners’ sense of self-esteem, he nevertheless reminded the Conference Committee that convicted prisoners in the United Kingdom did not have a choice as to whether or not they would work and that, in all cases, the requirements of the Convention for the United Kingdom were not being met. Weakening the jurisprudence to permit the exploitation of prisoners by private companies could have truly devastating effects in countries where the rule of law was not universally and adequately enforced. He stressed that international law was a seamless tissue and that, if one picked at the stitches, it would fall apart. In this regard, he thanked the Committee of Experts for maintaining its stance that the obligations arising out of ratifying Convention No. 29 were the same for the United Kingdom as for any other ratifying State. He requested that the Conference Committee encourage all governments to ratify the Convention and to implement its provisions as a matter of priority. In conclusion, he believed that constructive and “decent” work was a seamless tissue and that, if one picked at the stitches, it would fall apart. In this regard, he thanked the Committee of Experts for maintaining its stance that the obligations arising out of ratifying Convention No. 29 were the same for the United Kingdom as for any other ratifying State. He requested that the Conference Committee encourage all governments to ratify the Convention and to implement its provisions as a matter of priority.

The Government member of Australia made it clear that Australia strongly supported the circumstances in which prisoners were paid little or no wages and the provision of training courses for prisoners. He recalled that Australia had been called before the Committee last year with regard to a matter similar to the one for which the United Kingdom Government found itself before the Committee this year. The Australian Government was committed to strengthening the provision of training courses for prisoners. He recalled that in its conclusions on the Australian case, the Committee had encouraged all governments to reply to the Committee of Experts’ general observations on the question of private prison labour. He stated that the agreement that the Committee of No. 29 was uncertain in modern times, and that Australia was currently reviewing this issue. In this respect, he supported the view expressed by the Government representative raising questions as to the appropriateness of discriminating against prisoners on the point in time. This case also had more important and pressing implications for the Committee and for the ILO in general. First, it illustrated the need to ensure that international labour standards and their supervision remained appropriate for a modern economy. He stated that it should not be surprising that the way prison labour was
addressed in 1929 was no longer appropriate today. Secondly, it highlighted the need for a process to review and upgrade any short-comings in the standards system which had been identified in that manner. The existing process might not be sufficiently expedient in the consideration of such issues as they were identified. Thirdly, this case raised questions about the appropriateness of the current supervisory system, including the lack of specificity in the case of a prisoner's consent, and the need to reform the standards system of the ILO, and that this case reinforced that position.

The Worker member of Singapore recalled that according to the report of the Committee of Experts, persons leased under the Prison Rules, 1999, were exempted from the Minimum Wage Act, 1998. In relation to this, the Government representative had stated that its prison policy was to ensure that such arrangements would not give an unfair competitive advantage to those who employed prisoners and that prisoners would not be treated less favourably than other workers in comparable employment. Nevertheless, there was nothing in the report to indicate how this prison service policy was to be understood or tested in practice. The Committee of Experts had referred to a situation wherein there was a pressing need to reform the standards system of the ILO, and that this case reinforced that position.

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Committee. It also noted that a detailed report had been submitted for examination by the Committee of Experts. The Committee asked the Government to provide further information on the Committee of Experts’ observation concerning domestic workers from abroad. As concerned prisoners working for private companies, the Committee took note of the different points of view expressed within the Committee. It hoped that the Committee would continue to examine whether prisoners released on a daily basis to work in the free labour market should be covered by normal minimum wage legislation. As regards prisons and prison industries, the Committee noted that the Committee of Experts would be examining this issue in detail at its next session. It hoped that the Government would continue to examine measures in law and in practice to ensure that, when prisoners were required to work, this would be carried out in conformity with the Convention.

**Convention No. 81: Labour Inspection, 1947** [and Protocol, 1995]

Mauritania (ratification: 1963). A Government representative of Mauritania declared that his country had undertaken a series of legislative and executive measures to give effect to the obligations under the Convention. The absence of such reports in the case of Mauritania was indicative of the absence of a functioning labour inspection system. The Government had found it difficult to set up a labour inspection system, but that there were serious shortcomings in its implementation of the Convention. The absence of such reports was critical to the enforcement and supervision of the Convention. It was more likely that for financial reasons the technical assistance, this would be unlikely to concern the provisions of the Convention, which were not in themselves difficult to understand. In fact, it was more likely that for financial reasons the Government had found it difficult to set up a labour inspection system. The Government representative stated that, if there had been a functioning labour inspection system, Mauritania would have ratified the Convention. Although the Government representative observed that it was only possible to apply the specific provisions of the Convention, it was evident that the Government had to submit the annual reports on the work of the inspection services, the Worker members recalled that the Convention imposed the obligation upon ratifying countries to maintain a system of labour inspection for the purpose of ensuring compliance with laws adopted on critical aspects of workers’ welfare, such as safety and health, hours of work, wages and the employment of children and young persons. The Convention, therefore, to be deeply regretted that Mauritania took this obligation lightly. It had failed to take adequate steps to implement an employment system for labour inspectors which would enable them to carry out their tasks effectively. While the Government had received assistance from the ILO to bring the Labour Code up to date and to develop regulations respecting labour inspectors, legislation was not sufficient in itself. What was now required was the political will to put the law into practice. She also expressed great concern at the repeated failure of the Government to provide annual inspection reports to the ILO since 1987. It could not be over-emphasized that such reports were critical to the enforcement and supervision of the Convention. The Government’s repeated failure to supply reports gave good grounds for inferring that it was not complying with the Convention.

The Government representative stated that, if there had been no labour inspection services in his country, his Government would not have ratified the Convention. Although the Government representative observed that it was only possible to apply the specific provisions of the Convention, it was evident that the Government had to submit the annual reports on the work of the inspection services, the Worker members recalled that the Convention imposed the obligation upon ratifying countries to maintain a system of labour inspection for the purpose of ensuring compliance with laws adopted on critical aspects of workers’ welfare, such as safety and health, hours of work, wages and the employment of children and young persons. The Convention, therefore, to be deeply regretted that Mauritania took this obligation lightly. It had failed to take adequate steps to implement an employment system for labour inspectors which would enable them to carry out their tasks effectively. While the Government had received assistance from the ILO to bring the Labour Code up to date and to develop regulations respecting labour inspectors, legislation was not sufficient in itself. What was now required was the political will to put the law into practice. She also expressed great concern at the repeated failure of the Government to provide annual inspection reports to the ILO since 1987. It could not be over-emphasized that such reports were critical to the enforcement and supervision of the Convention. The Government’s repeated failure to supply reports gave good grounds for inferring that it was not complying with the Convention.
The Government denounced the incessant harassment to which it was subject coming from those whose aim was to present a distorted picture of the truth. If it was through ignorance of this reality, the Government strongly suggested that before being required by the Committee to verify the normal functioning of unions in the public service and the reality of the process of reformulating legislative and regulatory texts in the field. Failing such an on-site mission, it would be difficult for the Government to provide other information than that raised by the Committee of Experts and providing precise information on the situation as regards labour inspection in the country.

The Worker members noted that the debate had been short. This had happened because the situation was not serious, but the cause the violations of the Convention were evident. They took note of the statement by the Government representative according to which changes in the regulations concerning the status of civil servants were due to be adopted as a result of what they emphasized constituted legislation that should enter into force as soon as possible in order to bring the law and practice into conformity with the requirements of the Convention. Finally, they once again urged the Government to supply annual reports on the labour inspection services in order to permit verification of the proper functioning of these services.

The Committee noted the information supplied by the Government representative and the discussion which took place. It noted that for more than 30 years, and despite repeated requests from the Committee of Experts, the Government had failed to take the necessary action in keeping with Article 6 of the Convention to adopt regulations that offered labour inspectors stability of employment and independence towards changes and external influences. The Committee also observed that, contrary to the requirements of Articles 20 and 21 of the Convention, no annual inspection reports had been communicated to the ILO since 1979. The Committee noted that, according to information supplied by the Government, a 1993 study of the human and financial resource needs for labour administration had been sent to the Office with a view to receiving technical assistance to be financed by international donors. It noted that, however, the Government's request for technical assistance had not been renewed. It therefore requested the Government to take the necessary measures to ensure the adoption of regulations concerning labour inspectors in line with Article 6 of the Convention. The Committee also observed the hope that the Office would help the Government secure adequate financial backing for the project to revitalize labour administration. The Committee urged the Government to report in detail to the Committee of Experts in 2000 on the progress made in law and practice in applying this priority Convention, which was critical for the protection of workers.

Convention No. 87: Freedom of Association and Protection of the Right to Organize, 1948

Cameroon (ratification: 1967). A Government representative, nominated by the Ministry of Labour and Social Security, noted that the process of revising all the texts had been under way since 1990, and significant advances had been made with regard to civil liberties, democracy and human rights. It was in this framework that the 1986 Act and section 6 of the Labour Code were in the process of being modified.

With regard to texts in the social domain, the Labour Code of 1992 provided for tripartite committees (the National Consultative Labour Committee and the National Committee on Occupational Health and Safety) to take note of and validate texts prior to their submission to the Government and their transmission to the National Assembly. As the composition of the committees was tripartite and as acute problems had been encountered concerning the representativeness of the workers' organizations, it had not been possible to set up these committees. These committees had not therefore been convened, although significant means had been provided in that respect. What was provided was not the modification of a law which itself was henceforth null and void, but the reality. This reality had been brought to the attention of the ILO and this Committee. On the other hand, the normal functioning of unions in the public service had been established. The unions operated without interference from the Government and the functioning of unions in the public service had been established.

Nonetheless, the Committee's statements today were merely a repeat of previous years. The national legislation still provided that public sector unions could only be registered with prior approval from the Minister for Territorial Administration, and that any infraction was subject to prosecution. Moreover, the Government had made the same statements in 1984 and 1990 in response to the Committee's statements and publication of its conclusions. The Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year. However, since this case showed no progress and appeared to be deadlocked, the Worker members noted that it would be logical for the Committee simply to repeat its conclusion from last year.
in occupational trade unions affiliated to confederations. Section 6(2) of the Labour Code which had been incorporated into the Labour Code was not applied to central trade unions in the private sector if Act No. 68/LF/19, of 18 November 1968, and Act No. 68/LF/77, of 19 November 1968, were not in force. The Government had no intention of abrogating the provisions of Conventions Nos. 87 and 98. The central trade unions in the private sector if Act No. 68/LF/19, of 18 November 1968, and Act No. 68/LF/77, of 19 November 1968, were not in force. The Government had no intention of abrogating the provisions of Conventions Nos. 87 and 98.

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same conclusions from last year would need to be repeated again this year in a special paragraph.

The Government representative declared that it was useless to focus on the need to change a word or a section in a decree. It was more appropriate to concentrate on reality. Hence the need to send an investigatory mission to Cameroon which would make it possible to establish the facts and to verify the truth. The hope was that the mission would take place quickly and permit an objective investigation into the facts so that the Committee could examine the relevant law and practice in this case.

The Worker members noted that the oral statement made by the Government representative and the discussion that followed. The Committee recalled that this case had been discussed on numerous occasions over the last two decades. The Committee recalled with satisfaction that the proposal to set up an investigatory mission on the spot in Cameroon. The Committee expressed the hope that the next report due this year would describe measures taken in their principal recommendations. This preliminary draft had been examined by the ILO experts during the direct contacts mission and had formed the Committee that the preliminary draft had been examined by the ILO experts and had been completed and a definitive text agreed with the social partners, thereby ensuring its wide support. The above legislation constituted significant progress and included modern institutions for its application, as recognized by the ILO. The legislation made it possible for parties to collective bargaining to be workers in the branch, industry or economic activity. It also gave trade unions the option to request or refuse the presence of the Ministry of Labour and Social Security at meetings where, following direct bargaining, the decision was taken to refer the dispute to an arbitration tribunal or to call a strike, and its participation was restricted to monitoring votes. Now only workers who were on strike could decide to end the strike and submit outstanding disputes, if they were associated with government officials or servants of the public administration. To this end, Article 303 of the law of 1 May 2000 had introduced the possibility of submitting disputes to the ILO. The Committee had concluded that the proposal to set up an investigatory mission on the spot in Cameroon had been achieved in the application of the Convention. The Committee strongly urged the Government once again to remove without delay the obstacles to full freedom of association contained in its law. In its response to the Committee of Experts concerning interference by the public authority in union matters and anti-union reprisals. The Committee deeply regretted that technical assistance from the ILO with the help of the ILO experts had not been requested by the Government. The Committee recalled that this case had been discussed on numerous occasions over the last two decades. The Committee recalled with satisfaction that the proposal to set up an investigatory mission on the spot in Cameroon, had been approved by the Government, which had been attended by a government representative.

In addition, the Worker member stated that the Government was attending the Committee with a view to providing all the information that was considered necessary in relation to Convention No. 87. The Government had explained the will to maintain a permanent dialogue which was broad, transpar-
cially those relating to the supervision of the internal management of trade unions and trade union meetings. Another provision which continued to cause difficulties in an extreme manner was Paragraph 4 of the Convention which concerned the powers accorded to the officials of the Ministry of Labour to call before them trade union leaders or members to require them to provide information on their work, and to present their books, registers and other documents, a provision which represented an interference with freedom of association and the right to collective bargaining.

In addition, the Worker members noted the observations of the Committee of Experts according to which some provisions relating to the exercise of the right to strike, which had been the subject of comments for many years, had not been taken into account in the amendments proposed in the Bill. The provisions concerned, among other matters, the prohibition of strikes in several public services and the possibility of dismissing trade union officers who had participated in a strike. Regarding the exercise of the right to strike in practice, they referred to the conclusions of the Committee of Freedom on Association in Case No. 1916 according to which the exercise of the right to strike had not given rise to the minimum conditions for its effective application. The Worker members supported the views of the Committee of Experts and once again called upon the Government to take the necessary measures for the amendment of this provision.

The Worker members expressed their deep concern regarding the situation of violence which prevailed in the country against workers and trade union members. Devastating accounts had been provided by the various regional and international organizations charged with reporting on the situation of violence in Colombia. He wondered in these circumstances how the Colombian authorities could refuse to discuss the question of assassinations and violent acts against trade union leaders and members. Since 1998, at least 125 trade unionists had been assassinated, and since 1991 the number of trade unionists assassinated had been in the thousands. According to information from various international trade union confederations, the 123 trade union members who had been murdered in the world in 1998, a total of 98 were Colombian. Various circumstances of assassinations of union members had been assassinated in Colombia between 1991 and 1999, no fewer than 226 were trade union leaders. This continuous violence which mainly affected trade union members in the country was quite simply intolerable, since they were targeted in their capacity as trade union leaders and workers, and their personal and public activities made them systemic targets, as proven by many testimonies. The impunity of the assassins was total and the impotence of the Government was intolerable, particularly since, when raising the specific incidents of the 13 trade union members who had been assassinated in Colombia between 1991 and 1999, no fewer than 226 were trade union leaders. A compensatory measure which the workers said was fundamental was to grant them the freedom to participate and hold office in the trade union movement, and, in general, a situation of democratic instability reigned. These facts encouraged the Workers to look to the international level in the hope of finding initiatives which would soon contribute to a change in the situation. It was necessary to stress that while the Government spoke of a draft bill to determine essential public services, the workers’ organizations had not been consulted in this respect. The Ministry of Labour had shown complacency with regard to the thousands of workers in the private sector, particularly in the public sector; at district level, for example, over 40,000 workers had been dismissed in the last 14 months. The Ministry of Labour had also authorized dismissals of workers in the private sector, for example in the Tennis Club of Cúcuta. It was necessary to intervene, not merely in regard to the prohibition of strikes in certain areas, but in the context of the right of freedom of association when in the current year workers were dismissed by their employer or by public entities. In this respect, the Ministry of Labour had shown complacency with regard to the dismissal of thousands of workers, particularly in public services, the workers’ organizations had not been consulted in this respect. The Ministry of Labour had shown complacency with regard to the thousands of workers in the private sector, particularly in the public sector; at district level, for example, over 40,000 workers had been dismissed in the last 14 months. The Ministry of Labour had also authorized dismissals of workers in the private sector, for example in the Tennis Club of Cúcuta. It was necessary to intervene, not merely in regard to the prohibition of strikes in certain areas, but in the context of the right of freedom of association when in the current year workers were dismissed by their employer or by public entities.
that Conventions Nos. 87 and 98 had been ratified by Colombia in 1976, yet year after year their application continued to be discussed. He stressed that, contrary to what he had written in 1970, it should continuously be demanded that Colombia in respect of the violation of these Conventions. There was great respect in Colombia for the ILO and great expectations on the part of workers for what the ILO could accomplish in defining the inclusion of core labour rights in the broadest sense of the term. He maintained that, if the laws of a country should not impair the exercise of the rights contained in the Convention. He questioned whether that could be a greater hindrance to the exercise of the rights contained in the Convention in such areas as the right to strike. He drew the nexus between core labour rights and the right to physical integrity of Colombian unionists could be seriously affected in Colombia in respect of the violation of these Conventions. The Worker member of Costa Rica recalled that the Colombian trade union movement. He added that it was urgent to put an end to the trade union slaughter. Finally, he expressed his confidence that next year the Government would present genuine and concrete solutions.

The Worker member of Uganda recalled that Colombia had ratified Convention No. 87 in 1976 and that 20 years later the Committee was receiving the Minister of Labour, who was convincing it that Colombia was going to amend its legislation so that Conventions Nos. 87 and 98 had been ratified by Colombia in 1976, yet year after year their application continued to be discussed. He stressed that, contrary to what he had written in 1970, it should continuously be demanded that Colombia be brought into full conformity with the principles of freedom of association and the right to organize, particularly as a result of the assassinations committed by the dark forces and interests in the country. Trade unionists and civil society of the ILO and great expectations on the part of workers for what the ILO could accomplish in defining the inclusion of core labour rights in the broadest sense of the term. He maintained that, if the laws of a country should not impair the exercise of the rights contained in the Convention in such areas as the right to strike. He drew the nexus between core labour rights and the right to physical integrity of Colombian unionists could be seriously affected in Colombia in respect of the violation of these Conventions. The Worker member of Costa Rica recalled that the Colombian trade union movement. He added that it was urgent to put an end to the trade union slaughter. Finally, he expressed his confidence that next year the Government would present genuine and concrete solutions.

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ers' will to support initiatives for improved coexistence and harmony in the country.

The Government representative referred to the difficult situation which Colombia had experienced for over 40 years due to the internal armed conflict and stressed that in the last two years it had been possible to bring the parties in the conflict to the negotiation table. Otherwise, it would have been impossible due to the gravity of the situation. Júlio 2000, which would help to change the problem of violence. He emphasized the great progress which had been made in bringing the national legislation into conformity with ILO Conventions, in particular Convention No. 87. In this respect, he mentioned Act No. 50 of 1990, which had introduced very important amendments and innovations; the 1991 Constitution which consecrated the rights of association, strike and collective bargaining and which established that ratification of ILO Conventions were not binding; Act No. 278 of 1996 which created the tripartite Negotiation Committee; and Bill No. 184, approved by Congress at the end of May, which was to be the President of the Republic for signature and which included the points raised by the Committee of Experts. He said that a document indicating clearly the changes made in the sense requested by the Committee of Experts had been submitted to the Conference Committee. In February 2000, the direct contacts mission had been held jointly by the Minister of Labour on essential public services where strikes could be prohibited and disputes submitted to compulsory arbitration by one party, and on the right to collective bargaining of public employees which permitted the two parties to freely and voluntarily present demands to the authorities. The mission had made proposals for the modification of these draft bills which included summary recourse to the judicial authorities against decisions taken by the administrative authority declaring a strike to be illegal. The Committee of Experts had indicated that professional “collective dealing” of public employees in one of the draft bills, the right to strike of federations and confederations and the replacement of compulsory arbitration after 60 days of strike action with compulsory arbitration to be done by both parties. The modifications proposed by the mission were being examined, taking into account in particular that some matters had economic repercussions. Subsequently, the bills would be submitted to the social partners in accordance with existing legal mechanisms. Article 29 of the Constitution guaranteed due process including in the administrative procedures. Finally, he informed the Committee that the Minister of Labour could not come this week, but that the President of the Republic had already established, within the framework of the next session of the Conference Committee, the definitive consultation of the workers' representatives and taxes, where certain issues raised by earlier speakers would also be discussed. These negotiations would include employers, workers, the Church and civil society.

The Worker member of Colombia, commenting on the motives behind the absence of the Colombian Minister of Labour in this Committee and the reasons expressed by the Government representatives for this, indicated that it should be explained that negotiations were being held with the Government representatives, which, in principle, it was hoped to attend in order to discuss specific subjects, but that the absence of the Minister was due in reality to the fact that the Government was experiencing a serious political crisis.

Another Government representative stated that a special paragraph was not justified, especially since the current Government had achieved important progress which had not been possible at earlier times. In particular, the Act approved by Congress and the other bills had been requested by the Committee of Experts. The progress achieved had been the result of work carried out jointly by the Government with the ILO through machinery and negotiation. Furthermore, the current Government was committed to the peace process. As concerned the questions posed by some speakers on the climate of violence, he stated that the Government was not avoiding the debate but rather that this debate would take place shortly, in the corresponding body, with the Minister of Labour.

The Worker members, after having heard the various speakers, observed that no progress had been made in relation to the observations of the experts. The accounts which had been heard confirmed that in Colombia the worker members of trade unions were exposed to violence due to the exercise itself of the commitment which they had undertaken in favour of workers in their quality as trade union members. They repeated their deep concern confronted with the situation which lasted since almost 20 years due to its gravity, figured on a quasi-permanent basis in the agenda of the Conference Committee or the Committee on Freedom of Association. They asked one more time that the conclusions would be included in the final report. The Worker members had not been having a good time on the gravity of the situation in that country and deplored the fact that the Colombian workers had paid with their lives in too many cases.

The Employer members agreed that it was necessary to take into account the overall situation in the country. They recalled that for many years the Committee of Experts had been requesting for many years. It was nevertheless the duty of the Government to examine this information and to provide a detailed report to the Committee of Experts on the concrete measures taken and the adoption of the draft legislation.

The Committee took note of the oral information supplied by the Employer member of Colombia, who stated that no complaint concerning in particular anti-union violence were still being lodged with the ILO. The Committee recalled that the full respect of civil liberties was essential to the implementation of the Convention. It urged the Government to supply a detailed report to the coming session of the Committee of Experts on genuine progress made in order to bring its legislation and practice into full conformity with the Convention. The Committee also urged the Government to take further measures in order to bring its legislation and practice into full conformity with the Convention. Now many of these points were being resolved by means of the draft legislation which had already gone through Parliament, but which had not yet been adopted. In order to receive a clear commitment to the Convention, and to ensure the application of this Convention. The Committee firmly hoped to be in a position to note at its next session concrete and definitive progress in the trade union situation in the country.

**Djibouti** (ratification: 1978). A Government representative noted that according to some, notably trade union members, the Government was indifferent and opposed to freedom of association. It was more than willing to provide the Committee and anyone else who was interested with material information on this in a spirit of total transparency. It was true that some years ago Djibouti had experienced a trade union problem. But that was not the fault of the Government alone. As ILO experts who had met with the trade unionists, it was evident that the situation of trade unions had improved. The Government should remove all the obstacles that hinder the right of workers to form and join trade unions of their own choosing to elect their representatives in full freedom and the right of workers' organizations to organize their activities without interference from the public authorities which restrict or impede their lawful exercise. The Committee noted that the information supplied by the Government representative that draft legislation was adopted by Congress on 29 May 2000. It stressed that it was for the Committee of Experts to examine the compatibility of this legislation with the legal requirements of the Convention. It urged the Government to supply a detailed report to the coming session of the Committee of Experts on genuine progress made in order to bring its legislation and practice into full conformity with the Convention. The Committee firmly hoped to be in a position to note at its next session concrete and definitive progress in the trade union situation in the country.
up. It was also decided, as the experts requested, to delay trade union elections, which would bring an opportunity for clarification, for the Government to reconsider this was not unwise to let trade unions to settle free of any meddling from outsiders. Interna
tional trade unionists were welcome to observe the elections and ensure that they were free and fair; the Government did not wish to take the chances.

As to the reinstatement of trade union members, the Government considered that the issue had been resolved. There were those who sought to complicate it by coming up with new claims such as reinstatement in union leadership posts. However, unfair to blame the Government for interfering in trade union affairs while asking it at the same time to assign trade union responsibilities to particular individuals. Some trade union members had been reinstated since the Committee of Experts had documented evidence of this and could share it with the Committee. Neither the Ministry of Employment nor the Government would yield to pressure from inter
ternational trade unions which misled former national union mem-
bers on the basis of information from certain union representatives in need of a cause. The Government representative told the Com-
mittee that the Government was reintegrating FRUD combatants in accordance with last February’s peace agreement. The Govern-
ment, which was organizing a peace conference with individuals who only a short time ago had been laying mines, had no reason whatsoever to oppose political pluralism or freedom of association.

To close the matter of reinstatement of certain trade union lead-
ers, the experts of the Committee considered the matter to become a non issue and that once the ILO experts returned to Djibouti. It would plainly be easier to reinstate former public servants than workers in the private sector. However, the Ministry would see that this ques-
tion was something the country was urging for a long time. During a trip to Djibouti a tripartite seminar on international labour standards and the Declaration on Fundamental Principles and Rights at Work and its Follow-up as well as a seminar on freedom of association so as to make up for the absence of Djibouti and other partners’ lack of training, which posed a major problem for the Government.

As for section 5 of the Act of Associations, as amended in 1977, the Government fully agreed that changes in the provision should be studied with a view to submitting the necessary amendments to the National Assembly as soon as possible.

Regarding section 6 of the Labour Code, which limits the holding of trade union office to Djibouti nationals, the representative observed that the provision belonged to the old Code of 1952. A new Code has been adopted and comments sent to the employers. However, progress had been stalled by the trade unions’ endless requests for more time. In any event the new draft did away with the provisions referred to by the Committee of Ex-

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was important to underscore some of its acts, such as confiscation of post office boxes of the aforementioned trade union organizations, resulting in the non-receipt of their mail, and the illegal detention of the legally elected union representatives by those working for the Government; systematic and generalized harassment of union leaders and affiliates of these organizations; the prohibition of free union meetings and strikes in the workplace; the refusal of the Government to report on the operations of the UDT and UGTD; and the arbitrary dismissal of leaders of these two trade union centers. Despite promises made in 1998 by the Government to the direct contacts mission, no tangible progress could be observed. This problem had gone on for too long, and the Government must take all necessary measures to reinstate union leaders terminated since 1995; allow free organization of ordinary congresses of the UDT and UGTD; and ensure the respect of trade union freedom as a right for the right to work. Firm conclusions must be adopted on this case by the Committee given the grave violations of trade union freedom which persist in Djibouti.

The government of France indicated that if the Committee of Experts, citing the Committee on Freedom of Association, had not found any tangible progress in the restoration of freedom of association in full, then in reality one should speak of a deterioration of this situation, with the Government in the forefront of this deterioration. The leaders of the trade unions UDT and UGTD who were dismissed in September 1995 had not yet been reinstated. Furthermore, in 1996 and 1997, teachers had been dismissed in the wake of their participation in free elections for the school boards. In this context, it would be useful to be informed of measures taken by the Government in response to requests for reinstatement made this year by trade union leaders who had been dismissed. With regard to the organization of political and judicial elections, the speaker noted the participation of police officers in the vote to renew the Executive Committee of affiliates of the UDT and UGTD, in the place of employees of the Ministry of Transportation who were on strike the day of the election. The Government had also refused to proceed with the dissemination of the list of candidates for the Presidency within the Ministry for Employment and Solidarity. The list of delegates convened to participate in the election of the President and Secretary-General of the UDT and the UGTD. He raised the question of the sincerity of the Government's engagement to no longer interfere in the activities of trade unions. The Government had a restrictive attitude toward the exercise of the right to strike, and it was especially with regard to the public service that it used its power of requisition. Moreover, the Government continued to interfere frequently in the activities of trade unions. It should therefore be called upon to take concrete measures to restore freedom of association in Djibouti, both in law and in practice.

The Worker member of Rwanda stated that he was scarcely convinced by the statement of the government member of Djibouti. The latter had invoked the economic and conflictual situation existing in his country in justification of violations of freedom of association, and further qualified the trade union situation in his country as a question concerning the public service, despite the connection by the Committee on Freedom of Association. Regarding the question of the reinstatement of the dismissed trade unionists, the criteria employed should be examined in view of the fact that only some of them were clearly able to benefit from this new possibility, and it was considered that the statements of the Government member constituted a further diversionary tactic and that violations of trade union rights continued. The Government of Djibouti must stop these tactics and comply with the provisions of the Convention.

The Government representative of Djibouti said that the statements of certain Worker members were exaggerated. References to cases of imprisonment, to manoeuvres intended to install persons in elections of certain Worker members were exaggerated. References to a further diversionary tactic and that violations of trade union rights could be observed. This problem had gone on for too long, and the Government must take all necessary measures to reinstate union leaders terminated since 1995; allow free organization of ordinary congresses of the UDT and UGTD; and ensure the respect of trade union freedom as a right for the right to work. Firm conclusions must be adopted on this case by the Committee given the grave violations of trade union freedom which persist in Djibouti.

The Committee took note of the oral information supplied by the Government representative and of the discussion which followed. The Committee shared the regret expressed by the Committee of Experts that the Government had failed to provide a more detailed response in its communication to the Committee of Experts responding in detail to all the issues raised in the observation at the earliest possible date. The Employer members also urged the Government to promptly supply a report to the Committee of Experts responding in detail to all the issues raised in the oral observation. This was the earliest possible date. The Committee stressed with great concern the lack of cooperation by the Government. It regretted in particular the absence of the Government of Djibouti at the International Labour Conference for the last two years. The Committee was deeply concerned by the government's of Djibouti at the International Labour Conference for the last two years. The Committee was deeply concerned by the government's failure to respect the principles of non-compliance over a number of years with the requirements of the Convention. It recalled that a direct contacts mission of representatives of the Director-General of the ILO went to Djibouti in January 1998 and that specialists on the multidisciplinary team (MDT) had two missions in the country in December 1999 and March 2000 with no significant results. It insisted on the importance for workers in Djibouti of being able to elect their representatives in free elections. The Committee observed that the arbitrary dismissals of union leaders UGTD/UDT who had been dismissed from their jobs for legitimate union activities five years ago and to allow the workers to elect democratically their union leaders at the unions' extraordinary general meetings. It also urged the Government to study the wording of the law in order to improve the framework for union activities with regard to the possibility of having multiple unions at the enterprise level; the free elections of union's representatives; and, the right of civil servants to organize and bargain collectively. The employer public authority that impeded their lawful exercise. The Committee expressed the firm hope that the Government would resume active cooperation with the supervisory bodies and would promptly supply a detailed report with answers to the points raised to the Committee of Experts on the concrete progress made both in practice and in law to ensure the application of this fundamental Convention.

The government member of Djibouti wished that the conclusions of the Committee reflect his statements concerning the absence of interference by the Government in the exercise of trade union freedom and the renewed commitment of his Government in this respect.

Ethiopia (ratification: 1963). A Government representative stated that, with regard to the issue of trade union diversity within an enterprise, Ethiopian labour law provided for the possibility of forming federations expressing a wider range of interests, even though it permitted the formation of only one trade union per enterprise. This limitation had its origins in the history of the trade union movement in Ethiopia and his Government's lack of experience with regard to the possibility of having multiple unions at the enterprise level. Consultations conducted on this issue revealed that the trade unions believed that the current legislation made them stronger and that introducing multiple unions in an enterprise would weaken their collective bargaining position. The employer organizations in Ethiopia also supported this longstanding practice and considered that it helped maintain industrial peace in the country. Therefore, the law reflected both the positions and practices of the social partners. The Government did not intend to modify the national legislation in this regard since there had never been a problem in applying the law or enforcing workers' rights to establish and join trade unions of their choice. Noting the longstanding nature of this practice, the Government representative added that this had been the first year that the Committee of Experts had requested the Government to guarantee the possibility of trade union diversity at the enterprise level. He assured the Committee that, in principle, Ethiopia was not opposed to this possibility. Therefore, his Government would hold tripartite discussions to determine the appropriateness of amending the labour law to bring it into conformity with the Committee of Experts' comments.

Referring to the participation of teachers from the labour legislation, the Government representative noted that the Ethiopian Teachers' Association was established in 1964, in accordance with the provisions of the Ethiopian Civil Code. Since that time, it had remained active in Ethiopia and had also affiliated with international unions. Following the adoption of the 1994 federal Constitution, teachers and other government employees had been guaranteed the right to form trade unions and other associations in order to bargain collectively with employers or other organizations affecting their interests. In accordance with the relevant constitution.
mendations of the Committee on Freedom of Association stemmed from the examination of Ethiopian law and practice. It was therefore appropriate to cite those findings, particularly those interim recommendations urging the Government to ensure that all union members and leaders detained or charged were released and that those dismissed were reinstated in their jobs and given compensation for lost wages and benefits.

The Worker members noted that, since last year's Conference, Dr. Woldemariam had been convicted on charges of conspiracy against the State and sentenced to a prison term of 15 years. The ICFTU had alleged that the trial was improperly conducted and that Dr. Woldemariam's due process rights had not been observed. An Ethiopian judge who had raised the question of the independence of the judicial system had been dismissed. Noting that this case was still before the Ethiopian courts, the Worker members hoped that the Committee of Experts would take those proceedings into account.

This was clearly a case for a special paragraph since it involved serious violations of fundamental human rights. While the Government had made repeated statements promising to comply with the Committee of Experts' requests, the Worker members wished to see the Government take measures immediately and reported on the steps taken to satisfy the recommendations made by the Committee of Experts before its November meeting, including the answers to the points raised by the Committee on Freedom of Association in paragraph 286(a), (c) and (d) of its most recent report.

The Employer members noted that this case had been discussed at the past two sessions of the Conference Committee and was once again before the Committee. The observation of the appropriate Government representatives at the last session of the Committee of Experts repeated its previous comments, adding only that the limitation on one trade union per undertaking applied only to those undertakings with 20 or more workers. The Employer members pointed out that the legislation in question also excluded teachers, state administration officials, judges and prosecutors from the scope of application of its provisions on the right to organize. While judges and prosecutors might not be the most typical representatives of workers in the civil service, the Employer members nevertheless considered that the extension of constitutional protection to the principle of freedom of association established in the Convention.

The Employer members recalled the Government's statement to the Conference Committee in 1994 that new legislation was being drafted to bring Ethiopian law into compliance with the Convention. This statement had also been made to the Conference Committee in 1999. Referring to the Government representative's statement that restrictions limiting the establishment of trade unions to one union per enterprise was in the interest of both employers and workers, but that the possibility of establishing more unions could be discussed in a tripartite committee at the national level, the Employer members pointed out that the Convention provided for the possibility of trade union pluralism and that the Government's statements were in clear violation of the Convention. In respect of the broad restrictions on the right to strike and the Committee of Experts' definition of essential services the Employer members recalled their longstanding reservations in this regard. In conclusion, little had been done by the Ethiopian Government in the years since the 1994 adoption of the Convention, and an essential reform of its legislation was needed to bring it into conformity with the requirements of the Convention.

The Employer members noted the Convention's statement that legislative amendments would be possible in respect of teachers' right to organize and that new legislation was under examination with regard to the cancelled registration of former union leaders and that the application of its provisions on the right to strike was still before the Committee on Freedom of Association, the Worker members noting that, since last year's Conference, the Committee of Experts had raised the issue of teachers' right to organize and that new legislation was under examination with regard to the cancelled registration of former union leaders. However, the Employer members noted that the information provided by the Government was too vague and that it should supply detailed answers to the Committee of Experts' comments. Therefore, the Employer members recommended that the Committee's conclusion should urge the Government to supply a supply of detailed report indicating steps taken to amend Ethiopian legislation and practice in order to comply with the Convention. Alternatively, the statements made by the Worker members recommending that a special paragraph be issued by the Committee should be considered.