The Worker members thanked the Government representative for a detailed report which was very helpful in improving understanding of the case and in regard to the implementation of the Convention in the United Republic of Tanzania. However, they noted that the observation by the Committee of Experts was of a very general nature and would not help anyone who was not familiar with the case to understand the Committee of Experts did not contain much information under review. They proposed the appropriate means of addressing the very serious issues proposed that the Government representative should be invited to the situation was also to be demonstrated. In view of the great difficulty and the Government's want and need of ILO assistance to improve the faith of the Government remained to be proven; the obstacles which had, and which continued to prevent the Government from which had, and which continued to prevent the Government from the application of the Convention in the United Republic of Tanzania. How- ever, the facts of the case had not been presented clearly by the Government representative and the fact that concerns of the Committee to the Conference. Such special paragraphs were often effective in achieving progress, since most governments did not appreciate being mentioned in this way. Never- theless, if the concerns were expressed in a special paragraph, the system did not work as it should. This was the case with regard to the application of the Convention in the United Republic of Tan- zania. The Committee had been examining the case for decades and had never been secure in special paragraphs. Apart from a fear that the very frequency of such mentions might blunt this instrument, the case had not been included in a special para- graph for the past decade. The Worker members emphasized that this had not been due to any improvement in national law and prac- tice.

The basic problem consisted of the fact that the legislation was of such a general nature that it gave wide discretionary powers to the authorities. In particular, the Trade Union Act, 1998, and the Employment Act, 1999, which were being taken to accelerate the necessary amendment of the relevance of the Convention in the United Republic of Tanzania. How- ever, the Committee of Experts, it was clear that numerous laws needed to be reviewed and amended. Finally, they endorsed the suggestion by the Committee on a more regular basis.

The Worker members noted that the observation by the Com- mittee of Experts, no information had been made available on the situation before 1990, when the country had had a socialist economy and a single-party state, and its development since 1990 to a multi- partisan State with a market economy. While the political will might not have been given any aid or action towards the application of the Convention, the situation was now very different. Some 40 legislative texts had been identified as breaching human rights, including the rights set out in the Convention. The reform process, although extremely slow, had recently produced the Trade Union Act, 1998, and the Employment Act, 1999, which repealed legislation that had been criticized by the Committee of Experts. Moreover, the labour law reform project, for which funding had been designed to review and amend legislation which would repeal legislation which had been imposed upon labour laws. This represented a fundamental ideological shift, which had resulted in the recognition that many legal texts needed to be amended. She indicated that ILO support and assistance for the project on the transfor- mation of labour law in the east African subregion would be welcome. The Worker members expressed gratitude for the further infor- mation provided by the Government representative. However, they regretted that she had not given any aid or action towards the ILO could take to help bring about change. They observed that the process of reforming the legislation had been going on for many years. Moreover, they questioned whether a subregional exercise to harmonize labour laws would bring any benefits to the application of the Convention if the national law had not been brought into compliance with the Convention. The Committee noted the explanations provided by the Gov- ernment representatives, as well as the discussion, and took place in the Committee. The Committee had already urged the Govern- ment in 1992 to eliminate the discrepancies between national legis- lation and the Convention, as had the Committee of Experts for a number of years. The Committee noted that the declaration the legal- ism existed to apply the Convention, and urged the Govern- ment to adopt in the very near future the necessary measures to ensure that this fundamental Convention, ratified almost 40 years ago, was applied in practice. It had been stated that the provisions had been taken to accelerate the necessary amendment of the rel- evant legislation. It called upon the Government to supply detailed information on the progress made in bringing the legislation into conformity with the requirements of the Convention. Despite the repeated requests by the Com- mittee of Experts, no information had been made available on the implementation of the law in practice.

The Worker members welcomed the appearance of goodwill demonstrated by the Government representative and the fact that no attempt had been made to disagree with the findings of the Committe of Experts. The Government representative had also said that a new approach was being adopted. In this respect, the Worker members noted that the difficulties and the low level of development and the need to coordinate the issues raised with other authorities, such as the Ministry of Justice and the Interior Ministry. Nevertheless, major questions remained. The good faith of the Government remained to be proven; the obstacles which had, and which continued to prevent the Government from preventing the Government from reacting appropriately to the recommendations of the Committee of Experts and the Conference Committee required clarification: and the Government's want and need of ILO assistance to help the situation was also to be demonstrated. In view of the great diffi- culty in achieving any progress in the case, the Worker members expressed their concern that the Government representative should be invited to provide appropriate means of addressing the very serious issues under review.

The Employer members noted that the observation by the Com- mittee of Experts on the case did not contain much information concerning the actual facts of the case or the specific violations of the Convention. However, they observed that in her statement the Government representative had admitted the existence of viola- tions of the Convention and had recognized that the process of legis- lation reform was slow in meeting the requirements of the Convention. They also noted the existence of drafting legislation which would repeal all the provisions which were incompatible with the Convention. However, the Committee of Experts' observation referred to the various laws without explaining their content and did not indicate precisely the provisions which would be repealed by the draft legislation. The Employer members emphasized that, while the facts of the case had not been presented clearly by the Committee of Experts, it was clear that mistakes had been made to be reviewed and amended. Finally, they endorsed the suggestion by the Worker members that the Government representative should be invited to indicate precisely the concrete measures envisaged by the Government to meet the requirements of the Convention. They also expressed the view that the case should be reviewed by the Committee on a more regular basis.

In response, the Government representative emphasized that account needed to be taken of the great difference between the situa- tion before 1990, when the country had had a socialist economy and a single-party state, and its development since 1990 to a mult- partisan State with a market economy. While the political will might not have been given any aid or action towards the application of the Convention, the situation was now very different. Some 40 legislative texts had been identified as breaching human rights, including the rights set out in the Convention. The reform process, although extremely slow, had recently produced the Trade Union Act, 1998, and the Employment Act, 1999, which repealed legislation that had been criticized by the Committee of Experts. Moreover, the labour law reform project, for which funding had been designed to review and amend legislation which would repeal legislation which had been imposed upon labour laws. This represented a fundamental ideological shift, which had resulted in the recognition that many legal texts needed to be amended. She indicated that ILO support and assistance for the project on the transfor- mation of labour law in the east African subregion would be welcome. The Worker members expressed gratitude for the further infor- mation provided by the Government representative. However, they regretted that she had not given any aid or action towards the ILO could take to help bring about change. They observed that the process of reforming the legislation had been going on for many years. Moreover, they questioned whether a subregional exercise to harmonize labour laws would bring any benefits to the application of the Convention if the national law had not been brought into compliance with the Convention. The Committee noted the explanations provided by the Gov- ernment representatives, as well as the discussion, and took place in the Committee. The Committee had already urged the Govern- ment in 1992 to eliminate the discrepancies between national legis- lation and the Convention, as had the Committee of Experts for a number of years. The Committee noted that the declaration the legal- ism existed to apply the Convention, and urged the Govern- ment to adopt in the very near future the necessary measures to ensure that this fundamental Convention, ratified almost 40 years ago, was applied in practice. It had been stated that the provisions had been taken to accelerate the necessary amendment of the rel- evant legislation. It called upon the Government to supply detailed information on the progress made in bringing the legislation into conformity with the requirements of the Convention. Despite the repeated requests by the Com- mittee of Experts, no information had been made available on the implementation of the law in practice.

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workers’ organizations in a study of the issues with remedial action in view. By way of follow-up in 1997 a national campaign entitled “Brazil, genocidal face!” was launched. The ILO assistance in the outset, the campaign gave widespread publicity with tripartite support to the principles embodied in the Convention. To show how widely information on the Convention had been disseminated the Government representative pointed out the interest shown by peasants under the banner “The land of Brazil cries out” one of the peasants’ demands was the application of Convention No. 111. News of the Convention had been spreading widely and was already being felt in rural areas. The Government representative acknowledged that there was still an untold number of problems associated with discrimination and that the problem, which was among the worst violations of human rights, could not easily be resolved. One problem was that many cases turned on individual allegations involving a single worker and employer, and these proved difficult to substantiate. The solution might lie in heightened awareness-raising activities. The Government representative referred to practical action undertaken as a consequence of efforts to promote the Convention. This included the establishment since 1998 of specialized anti-discrimination centres in various state labour delegations, which represent the federal Ministry of Labour in dealings with the 27 States in the Federation. The Centre had been set up in 15 of the 27 state delegations, and each State was soon to have a centre of its own. Each of the centres was competent to receive complaints alleging discrimination on grounds of race, sex, physical disability, gender, sexual orientation, and was also a contact point for workers and employers. Each complaint came in, officials of the centre conducted an investigation into the facts, studied the case and tried to work out a solution; when no solution was possible the case was sent on to the Attorney-General or the Court of Justice. In 1995 the centres had received a total of 522 complaints alleging discrimination, most of which ended in a settlement. The complaints concerned discrimination on grounds of gender (42 per cent), service-incurred injury or illness (37 per cent), health (12 per cent), disability (4 per cent), race or colour (1 per cent), and other factors (3 per cent). It was important to note that black women as a group were more exposed to discrimination than any other. There had also been 17 complaints against discrimination in the workplace affecting HIV infected workers and AIDS victims, of which 513 had been resolved.

The Government representative also referred to the establishment of a database registering cases of discrimination and potential solutions. Data collected on that project was expected to help efforts were under way to overcome. He provided further information on practical steps and information activities undertaken, among them the training of 6,000 teacher-trainers on matters of discrimination. The holding of various forums at the international level, including several attended by ILO experts. The Government of Brazil had every intention of continuing to provide information for the supervisory bodies and of benefiting from ILO technical cooperation until such time as the last remaining vestige of discrimination in Brazil could be eliminated.

The Worker members stated that the problem of discrimination in Brazil had been the subject of discussion in this Committee in 1993, 1994 and 1995. The various points brought to the fore of the discussion included the situation in employment, including wage discrimination relating to sex or race; the obligation for women to produce a certificate of sterilization prior to employment; and the lack of national policy concerning equal opportunities. In its reporting, the Committee of Experts noted with interest the growing awareness of the problem, and was already reaching rural areas. The Government representative also referred to the establishment of a database registering cases of discrimination and potential solutions. Data collected on that project was expected to help efforts were under way to overcome. He provided further information on practical steps and information activities undertaken, among them the training of 6,000 teacher-trainers on matters of discrimination. The holding of various forums at the international level, including several attended by ILO experts. The Government of Brazil had every intention of continuing to provide information for the supervisory bodies and of benefiting from ILO technical cooperation until such time as the last remaining vestige of discrimination in Brazil could be eliminated.

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and seldom rose to management positions in either the private or public sectors.

The Committee of Experts regularly requested the Government to supply information on the practical effects of newly adopted legislation in keeping with the obligation laid down in Article 3(f) of the Convention on the reporting of “results secured”. The reason was that the responses provided by official policies and legislative measures were so meagre that was despite the magnitude of the problem the Government's policy measures were purely “cosmetic”. The holding of national seminars attended by 100 participants or the distribution of educational leaflets seemed to be the whole of some 160 million. However necessary, such action could only be in-adequate. The effective application of the Convention called for active policies targeting the integration of blacks, women, Indians and sexual minorities by such means, for example, as establishing quotas in the public service or subordinating public aid for private enterprises to compliance with anti-discrimination rules. Whereas state-controlled enterprises should be setting an example, the first choices of discrimination on which the Supreme Labour Court had ruled concerned a publicly owned enterprise. Employers should also be encouraged by the Government to follow an active non-discrimination policy, notably through the system of vocational training which the Brazilian system should finance vocational training designed to integrate those who had been excluded on grounds of race or sex.

As to the question raised by the Committee of Experts concerning the paradox in which he had taken part alleging despite an impressive anti-discriminatory legislative arsenal, the Worker member pointed out that Brazil's labour legislation was one of the most flexible in the world and allowed employers to dismiss employees without giving reasons. Dismissals were left to courts for awards of moral and material damages, which proved difficult to substantiate.

In conclusion, Brazil, it was plain, had still failed to apply Convention No. 111 on discrimination and that the Government had done an excellent job of disseminating information and raising the public's level of awareness with a view to eliminating discrimination. The Worker member pointed to the need to thwart the processes of in-employment remained a major problem in Brazil and called into question Brazil's effective compliance with Convention No. 111, designed to integrate those who had been excluded on grounds of race or sex.

The Worker member of the United States noted that Brazil and the United States were remarkably similar in that both nations were highly diverse and multicultural, both were systems of colonialism and slavery, and that both had been shaped by peoples of African, indigenous, Asian and European origins. Despite these similar origins, there were also significant differences. For example, marking in its post-slavery period had taken the Government's achievements in terms of legislation enacted and the organization of various nationwide events. Her Confederation, she observed, had taken part in numerous events organized by the Government to promote and effectively apply the principles embodied in the Convention.

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The Committee thanked the Government for the detailed oral information it provided, and noted with interest the discussion which followed. It welcomed the seriousness with which the Government had previously been noted by the Committee of Experts and this Committee, and the progress in tackling these problems, with the assistance of the Office, that had been noted by the Committee of Experts and this Committee with interest. The Government had undertaken by the Government to promote human rights in the country, in particular equality on the grounds set out in the Convention, while noting that a number of problems still exist in practice. The Committee requested the Government to provide detailed information on the concrete and tangible results achieved through this action, including reports, studies and statistical data and other indicators, particularly with regard to any changes in the economic participation rate of women and women in different racial or ethnic minority groups and indigenous peoples. It encouraged the Government to assess the progress made, and to provide detailed information in its next report to the Committee of Experts in this regard.

Islamic Republic of Iran (ratification: 1964). A Government representative reaffirmed the commitment of her Government to the Convention and its provisions, which were in conformity with the principles and objectives of her Government. The Government recognized its obligation to promote and realize the principle of non-discrimination and had endeavoured to provide complete and substantive reports to the Committee of Experts, containing all the available information requested.

She recalled that last year during the Committee her Government had stated that it would invite a mission from the ILO to come to the Islamic Republic of Iran to discuss with various parties any changes in the economic participation rate of women and statistical data and other indicators, particularly with regard to any changes in the economic participation rate of women and women in different racial or ethnic minority groups and indigenous peoples. It encouraged the Government to assess the progress made, and to provide detailed information in its next report to the Committee of Experts in this regard.

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With regard to the employment situation of women, the Committee was concerned that women were still under-represented in the supervisory bodies in their meetings with various government officials, the judiciary, several NGOs and minority groups. As a result of the knowledge and experience of the mission members, it had been possible to hold very useful and in-depth dialogue on all the issues raised, as indicated in the report of the Committee of Experts. She added that a national tripartite seminar would be held in her country in the next few months with ILO cooperation on the further implementation of the ILO's fundamental standards.

With respect to the comments of the Committee of Experts, she noted the reference to the existing national dialogue in the Islamic Republic of Iran on the issues covered by the Convention and the comments set out in the Government's previously noted responses to the Committee of Experts. She noted the reference to the national tripartite seminar referred to in the report of the Committee of Experts.

With regard to discrimination on the basis of sex, the Government had received support from Parliament in adapting the present Five-Year Development Plan, under which the Government had adopted the measures to promote equal opportunities and encourage the higher participation of women in employment and education, as noted by the Committee of Experts. In this respect, the credit should be given to Iranian women who had made the effort to achieve the breakthrough in their levels of participation in social activities, and particularly in educational and occupational areas. The pertinent statistics and facts, which had also been reported by the ILO mission, were significant in any comparison with other developing countries. She reported in this regard that social and awareness-raising activities included the establishment of a large number of state and non-governmental committees and institutes throughout the country, which had aimed at encouraging women in all socio-economic fields in accordance with the importance given by government policy to the empowerment of women. She added that, in the sixth Iranian parliamentary election held at the end of 1999, more than ten women had been elected, one of whom had subsequently been elected to the Bureau of the Parliament.
tution explicitly guaranteed equal rights for the entire population of the country and specific mechanisms existed to ensure that any new legislation or instrumental steps taken on the basis of any discrimination, were in full line with the Constitution. One such mechanism was the Board of Follow-up and Supervision of the Implementation of the Constitu-
tion, established a few years previously, which was responsible for monitoring the implementation of the Constitution and for making any shortcomings to the President. Complaints against govern-
ment officials and authorities could also be filed with the relevant courts, Parliament, the Administrative Justice Tribunal and the State General Inspection Organization. In the field of rights protection, judicial and administrative safeguards, non-governmental mechanisms were in full operation, including several NGOs active in various as-
pects of human rights.

She emphasized that new legislation of major importance and
direct relevance to the Convention, namely the legislation on the
courses of women to higher education. Despite the affirmation by
skilled and low-skilled jobs. The situation was the same in the field
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pects of human rights.

On the subject of the mission, the Worker members recalled the efforts which had been made in the Committee in 1999 to ensure that there could be no misunderstanding about the nature of the mission or its mandate. The Worker members had emphasized that its objectives should include the specific concerns of the mission to the Islamic Republic of Iran had constituted a welcome break-through in the manner in which this difficult and very serious case had been addressed. After a hostile and confrontational begin-
nings in the early years, it had gradually been possible to achieve a climate of dialogue with the Government. In this respect, they recalled that some years ago the Government had claimed that it was completely different and could not be judged by ILO standards as they were supervening international conventions. However, the Government had stated at that time that international standards would only be observed if they were compatible with Islamic precepts.

While welcoming the mission, the Worker members feared that the tone of the comments of the Committee of Experts was too positive, without wanting to degrade in any way the importance of the mission. They recalled that a mission was merely a tool and that the only thing which counted was the result. The result they wished to see was that Iranian law and practice would be brought into line with the Convention. They also called on the Government to understand the need for a positive approach toward the Convention.

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broadened human rights context. Interesting information had also been included on the issues discussed earlier in the Committee. However, in the view of the Committee, there were important gaps in the past, and which the Worker members had especially requested the mission to cover last year, was that concerning the Islamic Works Councils. No information had been included in the report on this matter and the possible reasons for its omission. In its report, the Committee had asked the Government to continue to supply information on the cases pending before the Islamic Human Rights Commission and on the Commission’s activities. It had also requested the Government to continue supplying information in its reports on situations with regard to discrimination on the basis of sex and on the participation of women in the labour market and in certain professions.

The Committee of Experts had expressed the hope that certain restrictions on equality of opportunity and treatment of men and women workers would be removed, that section 1117 of the Civil Code would be reviewed and that measures would be taken to promote non-discrimination and the non-recognized minorities.

While he agreed that the above was of the utmost importance, the Worker members believed that what was completely missing in the report was a reference to what a serious case this had been, to the continuing serious nature of the case, and to the precise situation at the present time in the country. It was not possible to determine to the application of the Convention. Although positive developments had been recognized, the observations contained hardly any criticism of current problems. In this respect, there was a marked contrast between the observation by the Committee of Experts and the report of the United Nations Human Rights Commission, and such discrepancies had to be either explained or avoided by closer cooperation. It was good that the mission had gone, but it had raised as many questions as it had provided answers.

In conclusion, the Worker members welcomed the Government’s desire for dialogue, but emphasized that it was necessary to concentrate on the application of the Convention in both law and practice. It was to be hoped that this would not be repeated when deemed necessary, some time in the future, and that other forms of cooperation would be developed between the ILO and the Government. They urged the Committee of Experts in particular to examine in its next report whether there had been any changes in the law, and in its work, with respect to discrimination. The Worker members felt that the case appeared to have been neglected by the Committee of Experts.

The Worker member of the Islamic Republic of Iran, mentioning the relevance of the Committee of Experts’ comments, said that the first tripartite consultation on social and labour matters, welcomed the first National Labour Conference held last year. He urged the Government to fully implement the recommendations of the Conference on the establishment of tripartite consultation bodies and the ratification of Conventions Nos. 87 and 98.

He further stated that during discussions with the ILO technical advisory mission, workers had raised the issue of recent legislation which limited the number of enterprises which could be exempted from the ambit of the labour law. Unfortunately, this matter had not been examined in the report of the Committee of Experts. He stated that, in his opinion, the law was in open violation of the Convention because it was inconsistent with the principles of equality, non-discrimination and nondiscrimination against women or men. He noted that parliaments usually enacted laws in favour of workers and that it was unprecedented in the history of his country for a law to be adopted to provide for the non-application of a law to one part of the working population. This new law was against the essence of the Islamic Constitution and principles of social justice and would usher in an era of exploitation. He noted that this law would endanger the rights of approximately 3 million workers, and called on the Government to reverse its decision and take appropriate measures. Similarly, he requested the Committee of Experts to evaluate this situation and reflect it in their comments.

Finally, he announced that the workers of the Islamic Republic of Iran were determined, while maintaining peace, to follow up on their demands through proper legal channels, both at the national and international levels. He demanded that the Government repeal the above law with regard to the application of the Convention.

The Worker member of Italy took note of the comments of the Committee of Experts on the basis of the mission invited by the Iranian Government last year. It was clear from those observations that no effective legal and political steps had been taken by the Government to overcome the serious and continuous breach of the content of the Convention. Serious violations of basic human rights and political freedoms had continued to be registered by several human rights organizations. It was quite clear that in this general climate of repression, very few cases on discrimination had been reported to the Islamic Human Rights Commission or to the Supervisory Commission on the Implementation of the Constitution, since both institutions were dependent on government members. In addition, she considered that the judicial system was not independent and was subject to government and religious influence. She recalled that women were not allowed to become magistrates and that there was a clear violation of the Convention. In this regard she requested the Government to abrogate the Conditions for Selection of Magistrates Act of 1982. She also pointed out that women could not freely enter certain sectors of the world of work.

With regard to education, she emphasized that higher education remained an opportunity for only a very small and privileged group of women and pointed out that 30 per cent of adult women were still completely illiterate. She expressed her indignation concerning the fact that discrimination was enshrined in the law through section 1117 of the Civil Code, which gave the husband the right to bring his wife to court for taking a job that he or the family considered inferior sex with respect to mental and physical capabilities, such discrimination might be especially important. In this regard, she asked whether the regulation concerning the conditions for the selection of women members of the judiciary, which provided that women should not be employed to perform dangerous, arduous or harmful work. She asked for further clarification with regard to the definition of these types of prohibited work and to whether such prohibitions were based on internationally accepted standards. With regard to the observation that women judges had only advisory powers, she asked whether the regulation concerning the conditions for the selection of judges, which stipulated that only male Muslims could become judges, had been amended to bring it into conformity with the Convention.

He then turned to the question of consultations with representatives of workers’ organizations during the ILO’s technical advisory mission. He pointed out that the Labour Code provided for numerous types of workers’ organizations: guild societies, and Islamic societies and associations established “in order to propagate and disseminate Islamic culture, to defend the achievements of the Islamic Revolution and to further the implementation of the principles of the Constitution of the Islamic Republic of Iran”. He indicated that current legislation allowed for the appointment of an employer’s representative in such organizations. Consequently, he asked whether any such organization existed.

Finally, he referred to the Rules of Procedure and Propagation and Extension of the Culture of Prayer of 29 April 1997, which provided that workers should also be evaluated by virtue of their daily prayers. He asked whether Muslims who did not fulfill their religious obligations could be considered as objects of discrimination.

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In conclusion, he called for a direct contacts mission to the Islamic Republic of Iran and the inclusion of this case in a special paragraph.

The Worker member of Singapore noted that the Government had taken a number of measures to attempt to provide more opportunities for women and to assure them greater equality. She urged the Government to carry out these plans and to consider the report of the Committee of Experts and the ILO to continue to monitor the situation closely. With regard to discrimination, she observed that there was no religious basis to justify the ill-treatment and marginalization practised against Muslims by the non-Muslim authorities. She also noted with great interest the interventions concerning the existence of acts of discrimination, the Government representative had endeavoured to demonstrate that progress had been made. He also noted that the legal status of the economy of the Islamic Republic of Iran was examined by the Islamic Human Rights Commission.

The Conference Committee no longer wished to hear promises, but required concrete action. He also emphasized that the Islamic Republic of Iran should ratify the Convention. His Government believed there were no contradictions, proceeded to ratify the Convention. He recalled that when a government was considering the ratification of a Convention, it studied its law and practice and, once it had determined that there were no contradictions, proceeded to ratify the Convention. His Government believed there were no contradictions; it was determined to implement the provisions of the Convention.
the Convention in full and requested the assistance of the ILO in that regard. In replying to the points raised during the discussion, he offered to provide the available information. He also stated that the members of the Islamic Human Rights Commission were independent and that it was not just dealing with problems of Iranian Muslims. All Iranians could refer violations of their rights to the Commission. He recalled that the Family Act gave the same rights to women as those granted to men in section 1117 of the Civil Code. With regard to the participation of women in education, he noted that UNICEF had reported on the increased participation of girls in the education system and the role of women in raising educational standards. For example, over 70 per cent of the candidates accepted for pharmaceutical examinations were women and their marks were better than those of men. He referred to the Committee's observation concerning the detailed statistics found in the UNESCO report. He also offered to provide a list of high-ranking women in the Government, including the Vice-President, deans of universities, and members of parliament. Concerning the new law on small enterprises, he noted that the workers had protested against the law and the Ministry of Labour and Social Affairs had objected to its adoption. He indicated that the new Parliament would soon address the issue again and consider a new law. On the subject of citizenship approved by the Expediency Council in 1999, all Iranians enjoyed the rights of citizenship irrespective of their belief. The citizenship approved by the Expediency Council in 1999, all Iranians could refer violations of their rights to this Commission. He recalled that the Protection of the Observance of Conventions Act in 1999, all Iranians irrespective of their sex or religion. He noted that the Government had an obligation to protect the observance of the Convention. He therefore highlighted the importance of the Government making a demonstrable improvement in its law and practice at the next session of the Committee of Experts.

The Committee took note of the statement made by the Government representative and the subsequent discussions. It recalled that this case had been the subject of discussion in the Committee over a number of years and that serious divergencies from the requirements of the Convention had been noted. It also recalled that the Government had been informed of the need to improve it, through job creation and by promoting the employment of women, including the fact that women judges were still unable to render verdicts, and section 1117 of the Civil Code. In spite of the progress in participation rates, women's participation in the labor market remained very low. It is a specific, and positive, Hungarian phenomenon. According to the OECD (Employment Outlook, 1999), in 1998, among those aged 15-65, the participation rate of women was lower than that of men in most developed countries in the European Union. In Hungary, the corresponding rate was 20% in 1999, the corresponding rate was somewhat more favorable at 16% per cent, but this occurred at a lower employment level. The lower unemployment rate of women than of men, on the other hand, was a specific, and positive, Hungarian feature: in 1999, the respective annual average rates were 7.5 per cent for men and 6.3 per cent for women. However, the Government remained dissatisfied with the situation and was making efforts to improve it, through job creation and by promoting the employment of women.

He highlighted two of the employment policy objectives for the year 2000 set by Governmental Decree: (1) employment expansion and, in the long-term, attainment of full employment, in accordance with the objectives of the European Union; (2) moderation of labour market discrepancies, in particular by promoting an equal opportunity policy, one of the four pillars of the European Union employment strategy. Over the last few years, the Government had taken the following measures, besides specific programmes and amendments to legal regulations, with a view to reinforcing the principle of equal opportunity for women: protection under labour law for minors and young children; achievements in following programmes: teleworking; part-time employment promotion; promotion of potential entrepreneurs; improved labour law protection to parents returning to work from childcare leave; free legal coun-

**Convention No. 122: Employment Policy, 1964**

*Hungary* (ratification: 1966). A Government representative stated with reference to article 24 of the ILO Constitution that, in 1997, the National Federation of Workers’ Councils submitted a representation against the Hungarian Government, alleging non-observance of Conventions No. 111 and 122. The representation contested the manner in which the measures in question were implemented. The Government admitted that certain unlawful steps were taken in the course of the implementation of the measures concerned, which were likewise pointed out by the Hungarian authorities. It did not wish to plead that these had occurred under the previous Government, as they affected the fate of individuals — hopefully not irremediably. On the other hand, lessons could be drawn from the issues involved as regards the development of employment policy for the Government in office at the time. Points 1 and 2 of the report of the Committee of Experts summarized some sections of the latest government report on the implementation of Convention No. 122. Under point 3, the Committee of Experts noted the basic elements of the employment policy of the Hungarian authorities. It requested the Hungarian Government to provide further information on measures to promote employment amongst women. The Government representative pointed out that the lower labor market participation rate of women and men in the country, and to be vigilant in prohibiting discriminatory practices on the grounds enshrined in the Convention. It noted nevertheless that application of the Convention was being made, and that the Government had made efforts to improve it, through job creation and by promoting the employment of women.
selling programme launched by the Ministry of Social and Family Affairs to remedy and prevent discrimination at the workplace; the implementation of provisions for inspection and enforcement of provisions of the principle of equal opportunity, and the training of labour inspectors. The case in question had encouraged the Government to put through legal amendments to remedy the situation. The measures to be taken had included discrimination in the pension eligibility criteria for men and women. Although not directly linked to the issue of discrimination, certain aspects of the case also highlighted the need to frame an effective employment policy to be allocated by the county labour councils, jointly with representatives of the social partners. The social partners were satisfied with its performance. It was a great honour for the members of the Council when the Director-General of the ILO participated at one of their sessions during his visit to Budapest in June 1999. In compliance with article 22 of the ILO Constitution the Government had prepared a detailed report in 1999 on the implementation of Convention No. 144, describing the new system of collective bargaining. The Council unanimously accepted the report.

In point 5 of its report, the Committee of Experts requested the Government to provide further information in its next report under article 22. The Government had taken note of the Committee of Experts’ request, and would be pleased to say that the Committee of Experts representatives had submitted statistical data concerning the development of employment; the move to full-time employment; the need to introduce measures to improve opportunities for women and children and persons nearing retirement age; encouragement of the social partners and strengthening of cooperation between the Government and the social partners; preparation of information on the effects of new procedures by substate budgets. As a result, the duration of labour law proceedings had shortened radically, thus improving the position of workers involved in such litigation. Technical training was provided to job centres so as to enable them to act effectively in cases of possible mass lay-offs.

Further action plans included: the evaluation of the programmes launched to assist women; the extension of those which proved viable; the implementation of a new programme to improve opportunities for mothers with children and persons near retirement age; encouragement of the social partners and strengthening of cooperation between the Government and social partners; preparation of information on the new arrangements for dealing with the issue of discrimination; the need to introduce measures to improve opportunities for women and children and persons nearing retirement age; encouragement of the social partners and strengthening of cooperation between the Government and social partners; preparation of information on the effects of new procedures by substate budgets. As a result, the duration of labour law proceedings had shortened radically, thus improving the position of workers involved in such litigation. Technical training was provided to job centres so as to enable them to act effectively in cases of possible mass lay-offs.

Point 4 was related to the concerns that arose in the Committee of Experts expressed in respect of the 1998 termination of the Ministry of Labour. This term had been one of the measures the Government had taken on taking office in June 1998. Before addressing the question before the Government concerned the procedures to monitor the effectiveness of its measures to promote economic and social development. In June 1998 the Government reallocated the responsibilities of the former Ministry of Labour to the Ministry of Employment policy-making, managing active employment measures, and collective bargaining came under the Ministry of Economic Affairs; issues related to vocational training came under the Ministry of Education; adult training and labour market training, the employment service, passive employment policies, labour law and labour inspection stayed with the Ministry of Social and Family Affairs, who took over the full powers of the former Ministry of Labour. The idea behind the present structure of the Government was that it could be in the interests of the broader objective, it was best served by being firmly grounded in economic policy. His Government was of the opinion that these measures had been justified. Now halfway through its term, his Government was currently evaluating its experience so far in office, and it was probable that corrective measures would be taken in order to increase the effectiveness of the cabinet. His Government would notify the ILO of such corrective measures in due course.

The Employer members stated that this was the first time the government was being dealt with by the Committee on the Application of Social Protection Conventions. They referred to the case of Hungary being dealt with by the Committee. They recalled that this was the first time the case had come before the Committee on the Application of Social Protection Conventions, and it was the first time the case had come before the Committee on the Application of Social Protection Conventions.

The Worker members thanked the Government representative for the detailed information he had supplied and recalled that this was the first time the case had come before the Committee on the Application of Social Protection Conventions. They referred to the case of Hungary being dealt with by the Committee. They welcomed the opportunity to discuss the case of Hungary being dealt with by the Committee on the Application of Social Protection Conventions.

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They further noted that information contained in the Government's report was relevant for the period May 1996 to May 1998 and hence dealt with an earlier situation. With regard to their conclusions, the Committee of Experts had examined numbers concerning employment and unemployment rates. It was surprising that, while the potential workforce was growing in the country, the number of economically active people was not increasing. There were no signs in response to a decrease in labour demand. The Employer members believed that this was due to the phenomena of extended education and training periods and early retirement. As a result, there was an economic downturn in the number of jobs available. The situation was similar in many other countries. They were of the view that evolution in society and different expectations could explain the statistical data provided by the Government which illustrated that the unemployment rate for women was lower than for men.

The Employer members pointed out that the objective of Convention No. 122 was to obtain a comprehensive overall picture concerning employment policy. Economic and social policies were part of the Government's approach, and the Employer members considered that the issue of employment was not possible. They expressed their surprise over the fact that the Committee of Experts had raised the issue regarding the dissolution of the Ministry of Labour. There was, of course, an ongoing tradition in the number of staff reductions. The Ministry of Labour had been dissolved, obviously its tasks had been distributed to other ministries. What was important was that the tasks traditionally carried out by the Ministry of Labour in 1995 was a challenge to another body of Government. Therefore of minor importance to which ministry or institution these tasks were distributed. The Employer members believed, however, that the Committee of Experts was more concerned about the manner in which the Committee of Experts had probably underestimated employers' and workers' representatives on subjects concerning the coordination of employment policy. In this regard, the Employer members welcomed the information provided by the Government representatives to the effect that tripartite consultations had effectively carried out in the country. With reference to the conclusions of the Committee set up to examine the representation made under article 24 of the ILO Convention, to which the Committee of Experts also referred, the Government should supply additional information in order to determine the Government's overall Budget Act of 1995 which had been the subject of the abovementioned representation. Since the Government representative had shown his Government's readiness to provide this information, the Committee's conclusions should mainly reflect this aspect. The Employer members concluded that the issue of employment policy was an ongoing duty of each government and that the Committee would certainly come back to these cases.

The Committee of Experts noted that in 1995, more than 10,000 employees were dismissed within some weeks at the higher education institutions in Hungary in connection with the Supplementary Budget Act of 1995 which decreased the staffing costs and the unemployed contributions. At the same time, Government Decree No. 1023/1995 prescribed a 15 per cent staff reduction for higher education institutions. This was followed by a Ministry of Culture and Public Education measure also ordering that decisions to understand that the Government fixed a deadline of only three months for the execution of staff reduction. The purpose of this mass redundancy was to make savings in the state budget. However, no consultations had been held with the workers' representatives or the universities before taking this decision. The government decision had not been taken with respect to any aspect of an employment policy. With regard to the legal aspects of the case, the Hungarian Constitutional Court confirmed the laws of 1995 and declared them as anti-constitutional and had cancelled them on 22 June 1995, on the grounds that the measures constituted unlawful interference with the autonomy of the universities. However, the staff reduction measures were nevertheless implemented. Moreover, although the Parliamentary Commissioner of Citizens' Rights (the Ombudsman) had asked the Ministry of Education to take the necessary measures to remedy the harm done to the teachers and the reduction of jobs, no action had been taken. The Government ordered the setting up of a special committee to assess the implementation of the whole staff reduction process — in accordance with the Ombudsman's suggestion — but this committee was not established. Regarding this, the Employer members pointed out that the Government had not taken into consideration the employment effects nor the social aspects of the staff reduction measures, the vast majority of the employees concerned had still not obtained any financial, moral or any other kind of remedy. As regards the Government's current employment policy, she pointed out that the social partners were still not involved in the formulation and preparation of national employment policy. In Hungary at the moment, there was no special government agency responsible for this function. The right to work was protected by law, one of the principles inherent value under the ILO Constitution. It was therefore important for the Government to open consultations quickly with the social partners to examine ways and means to achieve an effective and coherent employment policy in keeping with the aims of the Convention and to comply with its provisions. The right to work.

The Worker member of France observed that over the past few years a good many countries had changed the names of their Ministry of Labour and restyled them Ministry of Employment or Ministry of Employment and Social Affairs. These changes generally reflected progress towards the implementation of more active employment policies with an accent on the initial and ongoing training of workers, including the long term unemployed, and the integration of young people. An innovative and original step to dissolve purely and simply the Ministry of Labour and re allocate its functions to other ministries. Although Convention No. 22 did not stipulate what structure a government should have concerning the employment policy and the way to be able to implement the effective employment policies that the Convention required. In this respect, the treatment of staff in institutions of higher education under the Supplementary Budget Act in particular concerned another body of Government. The issue of training was an essential weapon in the battle against unemployment. According to the report of the Committee of Experts, Hungary had actually had a critical need for an active and coordinated employment policy, small, partly small and partly large, training programmes had been employed. The proportion of long-term unemployed workers was exceptionally high (having risen to nearly 50 per cent, despite a slight drop in recent years) and the average duration of unemployment that people remained without work was quite long (in the order of 19 months). That suggested high levels of "moonlighting", a lively informal economy and widespread unlawful activities. It therefore had to be asked what means the Government had to carry out effective and coherent policies to reduce unemployment, train workers, generate general employment, etc. (self-employment, unemployment, training, etc.) and what means it had to follow these policies and ensure coordination with social policy generally.

Convention No. 122 derived from the ILO's Constitution itself, in particular from the Declaration of Philadelphia which enjoined the Organization to support programmes that promoted productive and freely chosen employment and the raising of standards of living, the reduction of unemployment and the guarantee of a salary sufficient for acceptable living conditions. It was followed from the Universal Declaration of Human Rights, which said that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment". It was the role of a Ministry of Labour or a Ministry of Employment and Social Affairs to frame such policies, to coordinate and seek work. The measures required and adopted to this effect had been developed by the social partners and indicated that the Government had a duty to act for the benefit of the unemployed. The curtailment of young people and women in the labour market. It was an important aspect of the Government's policy. The Government had contributed to the implementation of more active employment policies with an accent on the initial and ongoing training of workers, including the long term unemployed, and the integration of young people. The right to work.

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was a basic human right since it enabled workers to provide for their own needs as well as those of their family. It was, to be sure, for the Government to choose the most appropriate course of action guarding that right. In any event it had to protect it. The statistics before the Committee demonstrated that this right had not been implemented. The Worker member appealed, therefore, to the Government to provide detailed information in its next report as requested by the Committee of Experts.

The Worker member of Romania stated that although this Committee of Experts had already formulated three observations regarding the application of this Convention by Hungary and underlined the importance of Convention No. 122 for workers. The fact that the worker had participated in the creation of this Convention indicated that the right to education was a matter of equality for both sexes. She stressed that the new administration had not fully informed on all employment policy matters in future reports to the Committee of Experts.

The Worker member of Hungary. He considered the situation to be unacceptable. The negative effects of such a decision on the consultation process between the social partners could already be foreseen. The Worker member of Italy stated that it was quite clear that employment policy and social dialogue remained a major problem in Hungary with no adequate and effective strategies especially to fight long-term unemployment and enhance equal opportunity programs. He noted that Hungary was the only country in the labour market participation of both men and women. He also noted the dissolution of the Ministry of Labour and the redistribution of its functions. He expressed the hope that the Government would provide detailed information requested by the Committee of Experts on the effects of this decision on employment and on the promotion of economic growth. This should include information on the effect of this move on ensuring that a coherent employment policy was pursued, as well as on consultations with employers' and workers' organizations and other forms of social dialogue. It was asked the Government to report on the progress that had been made to attract employment in the country, particularly for women, and the effect of the employment policy on women. It noted, however, that the Government had adopted a policy of promoting economic growth which was expected to have a beneficial impact on the formulation of employment policy.

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The Committee of Experts considered that the information provided in this reply was insufficient.

1. The Government considers that land rights belong to every Mexican Indian. The lands of indigenous populations can be considered in three different ways which are recognized by the Constitution: national, private and social. With regard to the composition of the population, the communities and the communities can be Indian or mixed-race, and in either case, the rights of indigenous populations are not all organized in communes. Concerning the arguments according to which the protection of land of indigenous peoples has been sought, the Federal Law on Agrarian Reform of 1972, according to which the Agrarian Reform of 1992 would render indigenous land transferable, attachable and seizable, it must be observed that the Constitution and numerous relevant articles of the Agrarian Law prove the contrary, as article 27 of the Constitution recognizes the legal personality of the ejido (collective lands) and comunidades and that Title VII, paragraph 2, deals with protection and the integrity of the lands of indigenous peoples.

2. In its paragraph 4, the aforementioned text sets forth that: “The law, as concerns the wishes of the members of an ejido of a community to adopt the most suitable forms for the exploitation of the productive resources, will regulate the exercise of rights of members of the community over the land and the ejidario over its part (…) and as concerns its ejidatarios, will regulate transmission of land rights to other members of the community. Likewise, it will set the criteria with which the ejidal assembly grants to each member influencing its parcel. In the case of transfer of parcels, the right of preference set forth in the law will be respected”.

3. In conformity with the Agrarian Law (articles 64 and 107), the land of the ejidos and the communities which are set aside by the Assembly for Human Settlement, resources on the indigenous community of Chinanteco, has informed the ILO of the situation of the indigenous population of Chinanteco which had been displaced from their native land of Oaxaca in the Uxpanapa Valley, following a government decision to build a dam in the valley and of the constitutional decrees ordering their displacement. Reserving the right to provide supplementary information in the report it is preparing, the Government of Mexico has provided the following information on the current situation.

4. In the first place, the Government had concentrated its efforts on communication with the indigenous community of Chinanteco resettled in the Uxpanapa Valley. To this end the INI has supported the creation of social organizations such as the Committee for the Defence of Indian Rights, Chinanteco-Zoque-Totonaco and the Indian Council of Uxpanapa to protect the rights of the communities and to further economic and social development. Parallel to this, there is a Regional Indian Fund in the Uxpanapa Valley which supports the development process of the indigenous communities. A Regional Indian Fund for the women of Chinanteco will be set up in August to promote training and development with regard to gender questions. Following its creation in 1996, this fund helps the community of Uxpanapa to cover its monetary financial resources: 15 million pesos during the past five years, financing public works, food projects and, in general, all economic and social development projects of the region. In November and December 1998, a workshop was developed which contributed to the planning of infrastructures. These workshops helped to provide financing for various agricultural programmes and the purchase of machinery. Since January 1999, the municipality of the Uxpanapa Valley has the following public services: 19 systems of drinking water, 26 electrical energy networks, one drainage infrastructure, a market, a garrison, municipal agencies, a post office, a satellite telephone and a radio communication system. Concerning education, there were 2,800 students in 27 primary schools, 2,400 students in two high schools and five dormitories for students of the INI. Concerning public health: one clinic of the ISSSTE, the IMSS-COPLAMA and a health secretariat, eight treatment centres organized by the health secretariat of the government of Veracruz, and six rural medical units.

5. The fourth paragraph of the observation referred to a loss of a right of inalienability of indigenous lands, to agreements with multi-national enterprises allowing exploitation of mineral and forestry resources on indigenous lands without the involvement of indigenous peoples as contemplated in the Convention, the failure to take account of results of consultations with indigenous representatives concerning the transfer of lands for exploitation and trade-offs, and the exploitation of indigenous migrant workers. In September 1999, the International Labour Office sent the Government of Mexico information concerning a second report from the Authentic Workers’ Front (EAP) on the situation of the indigenous populations in Mexico. That the report be sent to the ILO Committee of Experts on the Basis of Facts, 2 November 1999.
tion of the decision. As is the case with devolution of land, articles 81-86 of the Agrarian Law govern the procedure for full and complete access to necessary property. As regards the agrarian property, under article 101, the Agrarian Law provides for the transfer of rights, this transfer being limited to parents or next of kin, but is not authorized for third parties outside the community. Any devolution of lands or accompanying rights which breach the Agrarian Law would have to be made liable before the agrarian tribunals in such a manner that the Comissariat for Agrarian Questions has in this regard the prerogatives of the Public Minister and would represent the accusation in this context.

The sale of land is an historic phenomenon, which existed within the agrarian communities prior to the constitutional reform. It is necessary not to lose sight of the form which the conveyance of this land would have to take. The agrarian tribunals would represent the accusation in such a manner that the persons to whom the collective property belongs acquire these lands are determined by socio-economic and cultural conditions according to the characteristics of the agrarian reform in each region.

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(a) Concerning the working rights for mineral and forestry resources, it must be noted that article 27 of the Constitution, section VII, authorizes rural workers who belong to the community to join together with the State and third parties in authorizing the use of these lands.

(b) Concerning the working rights for mineral and forestry resources, it must be noted that article 27 of the Constitution, section VII, authorizes rural workers who belong to the community to join together with the State and third parties in authorizing the use of these lands.

(c) Concerning the working rights for mineral and forestry resources, it must be noted that article 27 of the Constitution, section VII, authorizes rural workers who belong to the community to join together with the State and third parties in authorizing the use of these lands.

(d) Independently of the information that the Government will provide in its next report, it should be noted that, concerning the abuse of indigenous migrant workers, the Government has held consultations with the responsible authorities and, when it has received this information, it will bring it before the Committee of Experts.

(e) Concerning the working rights for mineral and forestry resources, it must be noted that article 27 of the Constitution, section VII, authorizes rural workers who belong to the community to join together with the State and third parties in authorizing the use of these lands.

(f) Independently of the information that the Government will provide in its next report, it should be noted that, concerning the abuse of indigenous migrant workers, the Government has held consultations with the responsible authorities and, when it has received this information, it will bring it before the Committee of Experts.

Concerning indigenous migrant workers, it should be noted that the Government has adopted the following measures in order to make known the labour rights applicable to indigenous communities: publication and distribution among the core indigenous population of a document entitled “Labour rights and obligations for workers”; translation of information on labour rights in the different indigenous languages with the help of the INI; communication of information on labour rights by means of 18 radio broadcasts by the INI; creation and management of training scholarships and advice on commercialization of productive projects; in order to identify the needs concerning indigenous women workers, links were set up with programmes with the Secretariat of Labour, such as the programme for the unemployed (CIMO), as well as the Council for Standardization and Certification (CONOCER).

Moreover, in the field of safety and health, as well as with conditions of work, the federal labour delegations of the Secretariat of State for Labour and Social Security have referred to a total of 4,237 inspections carried out in the States of the Republic, in their monthly reports sent from January to September 1999. Finally, concerning paragraph 5 of the observation, the Committee requests the Government to re-examine the measures taken to overcome the problems of indigenous peoples in this country. Throughout this commentary, the Government has indicated the mechanisms of permanent dialogue set up between it and the indigenous peoples at different levels. The mechanisms enable the description and the application of public policies, solutions to conflicts, and to meet the requests of the indigenous peoples. It is important to underline that these processes of change do not take place overnight. The Government will continue its efforts to improve the living conditions of indigenous peoples. As the Indigenous and Tribal Peoples Convention, 1989 (No. 169), sets forth in Article 2, with the participation of the indigenous population, Mexico has accepted to develop coordinated and systematic action with a view to protecting the rights of these people and guaranteeing the respect of their integrity. The Government indicated that it has demonstrated an openness in this regard at all levels. As an example, concerning the legislative power, it is appropriate to underline the plurality of parties present on committees in charge of indigenous peoples, both in the local Congress and in the federal Congress. The political-social participation of indigenous people in Mexico has been gradually set up, particularly in the political, public administration, education, culture, health and social framework. Numerous measures have been taken to facilitate the registration of indigenous communities, to determine the strategies for the development of indigenous people, which have contributed to the improvement of their well-being and their standard of living. Progress and results in the policies and the measures taken by the Government of Mexico have taken place in a very complex and dynamic environment. The Government scored that these coincide with engagements resulting from the application of the Convention. The interaction between the Government of Mexico and the indigenous communities has been fruitful. It has been possible to develop and implement measures that promote the improvement of the living conditions of indigenous peoples. As the Indigenous and Tribal Peoples Convention, 1989 (No. 169) is incorporated in the national legislation. The Government will continue to work with the International Labour Organization in this regard.

In addition, before the Conference Committee, a Government representative stated that the observation of the Committee of Experts did not cast doubt on the compliance of the Government with the obligations it had assumed under the Convention. The Committee indicated that information on its comments should be provided by Mexico in its next report. The Government was already working on this report which would be submitted, as required, in 2001. For that purpose, it was holding consultations with all the institutions concerned with the situation of indigenous peoples. She reaffirmed the willingness of her Government to cooperate with the ILO.

The comments made by the Committee of Experts referred to the dialogue of the Mexican Government with indigenous communities and to three specific cases: the Huichol Indian Community in the Uxpanapa Valley and a general report on the situation of indigenous peoples in Mexico. She expressed surprise with regard to the comments of the Committee of Experts concerning the alleged expressions of concern by the Governing Body with regard to an “apparent lack of real dialogue between the Government and indigenous communities”. She noted that the documents on the basis of which the Governing Body adopted its decisions on the cases to which the Committee of Experts...
During the same period, 129 editions of books in indigenous languages, as well as school equipment and learning materials. Most of them lived in rural areas in widely dispersed communities. Forty-five per cent of these communities consisted of fewer than 99 inhabitants and were located in mountainous or tropical areas, which made it difficult for them to have access to the basic social structure of health, education and roads. A priority objective of the Mexican Government was to develop a new relationship between the State, society and indigenous peoples based on dialogue and respect for cultural and linguistic diversity, and to address the demands and needs of indigenous peoples. The Secretariat of the Government, the Office of the Attorney-General of the Republic, the Federal Public Legal Institute and the National Indian Institute had signed an agreement to coordinate their activities and resources with a view to ensuring that indigenous peoples who were the victims of crimes at the federal level had access under the best possible conditions to the jurisdiction of the State. Since 1995, a programme had been in operation to promote concerted action and promote the development of their languages, cultures, usages and customs and of indigenous peoples as elements in their assessment and to guarantee the presence of translators during legal proceedings. Options were also being explored for the adoption of legislation at the municipal level with a view to ensuring that the reforms had a greater impact and achieved a substantial change in the relations between the federal, state and municipal authorities for the benefit of indigenous peoples. Between 1999 and 2000, the Programme of Indigenous Development Plan, 1995-2000. This Plan set out the main lines of the current Government’s social, political and economic development policy. It also provided for the integral participation of all social groups in the improvement of the living conditions of indigenous peoples with a view to preserving their cultural and social heritage and ensuring recognition of their individual and collective rights.

With regard to the issue of the legal recognition of the rights of indigenous populations, she indicated that Mexico had commenced in 1986 a process of legislative reform at the federal, state and municipal levels based on consultation and consensus with a view to the recognition of the rights of indigenous peoples. This process had been intensified during the 1990s and had led in the first place to the reform of article 4 of the Constitution in 1992. This article recognized the dual cultural composition of Mexico “with its origins in its indigenous peoples” and established that the law shall respect and promote the development of their languages, cultures, usages, customs, resources and specific forms of social organization, and shall guarantee to their members effective access to the jurisdiction of the State. Legislative initiatives followed at the federal level, including the Agrarian Act, the General Education Act, the General Act respecting ecological balance and the protection of the environment, the Forest Act and the Copyright Act. This legislative process had not been confined to the federal level. Up to this year, some 16 of the 31 states of the Republic had adapted their constitutions to incorporate the principles for the recognition of cultural and linguistic plurality set out in article 4 of the Constitution. The Federal Code of Penal Procedure and a number of state penal codes had been amended to incorporate the provisions envisaged in the law. usages and customs of indigenous peoples as elements in their assessment and to guarantee the presence of translators during legal proceedings. Options were also being explored for the adoption of legislation at the municipal level with a view to ensuring that the reforms had a greater impact and achieved a substantial change in the relations between the federal, state and municipal authorities for the benefit of indigenous peoples. Between 1999 and 2000, the Programme of Indigenous Development Plan, 1995-2000. This Plan set out the main lines of the current Government’s social, political and economic development policy. It also provided for the integral participation of all social groups in the improvement of the living conditions of indigenous peoples with a view to preserving their cultural and social heritage and ensuring recognition of their individual and collective rights.

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agrarian zones, participated in the application of the programme. The above assemblies decided upon the time, the manner and the periods over which they would be carried out. The certification of the regularization process would be carried out. The Government representative indicated that public policies could not be carried out without the participation of indigenous peoples. It was therefore important to have the exclusive competence to decide upon the alienation of their rights and lands. With regard to communal ownership, the Agrarian Act permitted the cession of rights to communal land, but provided that it could only be to the benefit of family members, without altering the mechanism of the communal law. Similarly, the case was currently at the stage of the presentation of evidence. The Committee of Experts was already aware, through the various consultations, of the amply demonstrated will of the Government to cooperate with the ILO, particularly for the application of Convention No. 169. The Government compiled its reports on the basis of broad consultation processes. It dealt with complaints relating to specific cases and carried out cooperative activities such as the “seminar on the inspection of working conditions in the rural sector”, held in May 1997.

All the efforts which had been described above indicated the series of coordinated government processes and activities which formed the historical, everyday and permanent work in relation to indigenous peoples, communities and organizations at the various levels through many institutions. These processes required time and evaluation. The task was not easy, but awareness was high that in order to carry through legislative action and programmes it was necessary to maintain the political will and the co-responsibility of the various actors involved in the organisation of the communities and organizations.

The Worker members noted with interest the oral and written information provided by the Government of Mexico. As the written information submitted was voluminous and was received at a late stage, they proposed to defer the examination of this document to the Committee of Experts. They underscored that this case had
been suggested by the Workers' group and it demonstrated their effort to balance attention given by the Committee on the Application of Standards, human rights and other dimensions. They were somewhat concerned by the possible inference that could be drawn from the statement by the Government representative, Director of the National Indian Institute, that this case did not reflect serious problems involving Chiapas and the indigenous community. With reference to article 24 of the Convention, he recalled that in their conclusions, the Committee of Experts had expressed serious concerns about the apparent lack of dialogue between the Government and the indigenous peoples. Another main point was the information shared by the Authority, Workers' Front (FAT), which was still under scrutiny by the Committee of Experts. They expressed concern over the fact that the Government did not seem to attach sufficient importance to the grievances and dissatisfaction voiced by the indigenous peoples. While they acknowledged that they had taken note of the efforts the Government had reported taking, they maintained that the Government had not deployed sufficient efforts, in particular towards establishing the appropriate climate of dialogue for furthering the task of the Committee. They noted that the Committee of Experts had been requested by the ILO to provide a detailed report on the issues to the Governing Body. However, neither one of the larger employers' and workers' organizations in Mexico seemed to have taken any interest in this case as their views had not been made known to the Committee of Experts. With reference to paragraph 70 of the General Report of the Committee of Experts in which the Committee emphasized the importance it attached to the contribution by employers' and workers' organizations to the task of the Advisory Body, the Employer members indicated that further consideration was relevant to note that member States who ratified a Convention should be able to implement their obligations forthwith. A ratification could not only be seen as a declaration of good intentions for the issue, but concluded by emphasizing that the proposal by the Committee of Experts that the Government request technical assistance from the International Labour Office (paragraph 5 of the observation by the Committee of Experts) would represent a good starting point for dialogue to seek a solution to the serious problems this case reflected. They underlined the importance of a broad representation in such a dialogue including, inter alia, the small trade unions who brought this case to the attention of the ILO and genuine representatives for the indigenous peoples involved.

The Employer members recalled that this Committee had previously discussed the case of Mexico in 1995. At that time, information of serious problems involving Chiapas had been received from organizations representing indigenous communities from the National Indian Institute. Noting that the Committee was now examining different issues, the Employer members thanked the Government representative for supplying a detailed report on the issues raised. They stated that Expert Groups had not observed, but had not provided sufficient detail. Accordingly, this Committee could not evaluate the issues in depth. With regard to the issue of the land rights of the Huichol community, the Employer members noted that the Committee of Experts had been satisfied by the Government's response to the specific complaint (amparo). The Employer members recalled that the Committee of Experts had appreciated the Government's commitment to the installation of industry. In this way, employment and order could only be maintained under such circumstances in the context of respect for the law. Otherwise, the situation would degenerate into a large-scale conflict which, understandably, no one wanted. To conclude, the Employer members requested the Government to reconsider the proposal of the Committee of Experts from the Government would be sufficient to respond to the points raised by the Conference Committee.

The Worker member of Mexico indicated that the Confederation of Mexican Workers, like the National Peasants' Confederation, had taken a strong position in support for the participation of the indigenous peoples in the legislative reform process through discussion and dialogue with various legislative bodies at the federal, state and local levels. At the state level it had been decided to draft community laws. He pointed out that more than half of Mexico's states had amended their constitutions to respect the principles of the Convention. It was important to observe that workers, peasants and indigenous peoples belonged to the Union Congress, whose decisions were taken jointly. The fact that Mexico had more than 100 distinct indigenous groups within its borders, each with its own identity, language and customs, posed a serious problem. Those communities were open to interference from the outside not only by groups seeking to safeguard human rights but also from every sort of religious sect taking advantage of the situation to pursue its own interests. Peace and order could only be maintained under such circumstances in the context of respect for the law. Otherwise, the situation would degenerate into a large-scale conflict which, understandably, no one wanted. To conclude, the Worker members recalled the importance of one of the basic objectives of the Convention, namely that indigenous peoples should participate in the development of the policies applicable to them and should be consulted through appropriate procedures. In this respect, they recalled the concern of the Committee of Experts with regard to the development of Mexican public policies which did not respect this principle. He emphasized that consultation required institutionalized mechanisms which would ensure that the proposals of the Committee of Experts from the Government would be sufficient to respond to the points raised by the Conference Committee.

The Employer member of Mexico expressed full support for the statement by the Government representative. He stated that it was important to examine whether the activities and policies which had been described were in conformity with the Convention. He recalled the importance of one of the basic objectives of the Convention, namely that indigenous peoples should participate in the development of the policies applicable to them and should be consulted through appropriate procedures. In this respect, he shared the concern of the Committee of Experts with regard to the development of Mexican public policies which did not respect this principle. He emphasized that consultation required institutionalized mechanisms which would ensure that the proposals of the Committee of Experts from the Government would be sufficient to respond to the points raised by the Conference Committee.

The Worker member of Mexico indicated that he was speaking out of concern for the Mexican people and because there was also a high number of indigenous peoples in his country. He welcomed the statement by the Government representative. He stated that it was important to examine whether the activities and policies which had been described were in conformity with the Convention. He recalled the importance of one of the basic objectives of the Convention, namely that indigenous peoples should participate in the development of the policies applicable to them and should be consulted through appropriate procedures. In this respect, he shared the concern of the Committee of Experts with regard to the development of Mexican public policies which did not respect this principle. He emphasized that consultation required institutionalized mechanisms which would ensure that the proposals of the Committee of Experts from the Government would be sufficient to respond to the points raised by the Conference Committee.
reaffirmed that an essential element of the Convention consisted of the holding of consultations with representative organizations. He added that if there was no certain understanding between the independent trade unions, it could not be said that the Convention was being applied.

Another Government representative, with reference to the intervention of a Worker member, said that there had perhaps been a misunderstanding when the other Government representative, in her statement had referred to the observation of the Committee of Experts which indicated that concern had been expressed by the Governing Body over an apparent lack of real dialogue between the Government and the indigenous communities. She had stated that the above statement did not come from the documents prepared for the Governing Body and that it was certainly an error on the part of the Committee of Experts. While the Committee of Experts had indeed expressed concern at the lack of dialogue, this was an unjustified concern since, as had been mentioned, there were numerous channels of dialogue. In contrast with the views expressed by the Worker member, her Government was minimizing the problem and emphasized that it was aware that the indigenous people had been exploited and that it was endeavouring to resolve the heritage of 500 years. For this purpose, the Committee of Experts had been implementing and funds and policies developed in favour of this underprivileged category of the population. It was not the intention of the Government to ignore this situation nor to remain inactive. It was not possible to expect that the economy which existed in the country, and particularly in indigenous populations, could be resolved in the short term. The situation was a phenomenon of underdevelopment and efforts were being made to resolve it. He affirmed that Mexico had not ratified the Convention prematurely, as stated by the Worker members. When it had done so, all the provisions of the Convention had been covered in national legislation. Finally, he emphasized that none of the supervisory bodies of the ILO had stated that Mexico had not ratified the Convention.

Another Government representative emphasized that no attempt was being made by her Government to minimize the issue of indigenous peoples, which constituted an important problem in respect of which one of the greatest problems was how to achieve results. She did not agree with the view expressed by the Worker members that the measures taken for the benefit of indigenous peoples could be described as completed. These were issues of justice and development, and it was never possible to consider that a task had been completed. If that was so, the ILO would not exist. With regard to the question of consultations, she indicated that they were not only common practice in her country, but also constituted an obligation for Mexican public servants. All policies and activities were organized and undertaken in consultation with the various indigenous communities. In response to the question raised by the Worker member of Brazil on land ownership, she cited part of article 27 of the Constitution under the terms of which “the legal personality of the indigenous peoples shall be respected. Their identity shall be protected. The integrity of the lands of indigenous groups shall be protected”. She emphasized that indigenous persons were not only entitled to own land and to the protection of their ownerships but also to recognition of their legal personality by their communities. She added that the National Indian Institute and the Social Development Secretariat were national consultative bodies which contributed to the dialogue on self-development projects, taking into account the conditions and human rights of their members. A new body had recently been created with the participation of 50 representatives of 35 indigenous regions and in which 17 different languages were spoken. These were examples of institutionalized and multi-cultural consultative bodies. The Worker members expressed their full appreciation of the efforts made by the Government representative. They disagreed, however, with the insistence that the Worker members should express the basic expectations of the indigenous peoples with regard to the lack of dialogue. The Worker members, so that the report of the Committee of Experts concerning the application of the Convention, with the technical assistance of the Office, if necessary.

**Convention No. 98: Right to Organize and Collective Bargaining, 1949**

**Saint Lucia** (ratification: 1980)

**Convention No. 111: Discrimination (Employment and Occupation), 1958**

**Afghanistan** (ratification: 1969)

The Worker members recalled that, according to the usual working methods the case of the Workers of Afghanistan had responded to the invitation of the Conference Committee, was examined on the last day of the discussion of individual cases. The objective was not to examine the substance of these cases, given the impossibility of having a discussion with the governments concerned, but to underline in the Conference Report the importance of the issues raised and the necessary measures for the re-establishment of dialogue. The report would mention for each country the issues in question.

The Worker members observed that the Committee of Experts had been drawing the attention of this Committee since 1997 to the reports which had been sent to it by various sources concerning the serious problems of gender discrimination which were complicating the violation of Convention No. 111 by the Government of Afghanistan. The Worker members expressed once again their regret and their grave concern at not having been able to discuss this situation with the Government and which merited the undivided attention of this Committee until the completion of their observations. The efforts undertaken by the ILO had not succeeded up to now. The ILO and the whole international community should take their responsibilities with greater conviction and force and increase their pressure on the Government of Afghanistan.

Regarding the application of Convention No. 98 by Saint Lucia, the Worker members recalled that this case had been included on the list because of the existence of violations of the right to collective bargaining and to protection against discrimination, among other things. On the one hand, the absence of an effective remedy against which there was no protection. For the last nine years, the Government of Saint Lucia had not sent a single report on the application of this Convention. It appeared, however, from the written information communicated by the Government that the latter had transmitted a copy of an act respecting the registration, status and recognition of workers’ and employers’ organizations. The Committee of Experts should examine this law and its application in practice.

The Employer members regretted that some countries had not taken active steps to address the questions raised by the Committee of Experts, and the discussion which took place. The information provided indicated that the Government was taking active steps to address the questions raised by the Committee of Experts, but that continuing efforts were still required. It noted with concern that the Governing Body, in its conclusions on two representations under article 24 of the Constitution, had evoked problems concerning the application of the Convention and representatives of indigenous peoples. Similar questions had been raised in comments by workers’ organizations, as had continuing allegations of labour abuses practised against rural indigenous workers and questions concerning the land rights of indigenous peoples. The Committee urged the Government to continue to provide detailed information on measures to the Committee of Experts to resolve the numerous questions raised by the Committee of Experts concerning the application of the Convention, with the technical assistance of the Office, if necessary.

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