ILO SUPERVISORY SYSTEM: IDEAS FOR INNOVATION
WORKERS' GROUP

A unique feature of ILO supervision arises from the tripartite nature of the organization. Unlike other international supervisory procedures, workers' and employers' organisations have standing under article 23 of the ILO Constitution to submit their own reports on governments' performance under a ratified Convention -- an essential part of the supervisory process. They may also file representations under article 24 and complaints under article 26 of the Constitution and form an integral part of several of the ILO's supervisory procedures. This is a full right of participation, and is not limited to providing additional information or informing supervisory bodies. It will be critical to retain this special character. Another important feature is the independent and authoritative Committee of Experts. They have and continue to play a foundational role in developing our understanding of the application of ILO conventions in law and in practice. The centrality of the Committee of Experts in the supervisory system, and the persuasive value of their observations must be maintained.

I. Regular supervisory process

1. The *Committee of Experts on the Application of Conventions and Recommendations*

The CEACR is composed of 20 independent experts on labour law and economic and social rights, nominated by the Officers of the Governing Body and appointed by Governing Body. It meets annually to examine reports received from Governments – more than 2,000 reports are examined each year. While the CEACR does not have the constitutional mandate to interpret conventions in the strict judicial sense, it needs to interpret provisions of the conventions (in the ordinary sense of the word) in the process of its work of evaluating the implementation of conventions in law and in practice. Indeed, a body that is created to verify the application of conventions must interpret these conventions.[1] The International Court of Justice is empowered to issue a final, binding[2] interpretation of Conventions under Article 37. 1 of the ILO Constitution. Indeed, the Constitution makes clear that any dispute on interpretation

[1] This is particularly important for governments which have ratified the conventions to be able to rely on a stable interpretation of the convention and be sure it is applied to all other member states in the same way. This is also why the General Surveys are useful and important tools for governments.

[2] There is some dispute as to whether this opinion would be legally binding. Advisory Opinions typically are just that – advisory, and thus do not have the force of law as would an opinion rendered under the contentious jurisdiction of the ICJ. See ICJ Statute Article 59 and 63 (explicitly providing that decisions in contentious cases are binding on the parties and any interveners). However, organisations seeking an advisory opinion may determine beforehand that such an opinion is nevertheless binding. The fact that the ILO constitution refers to a "decision", and that there is no further forum to appeal would lead to the conclusion that the ILO intended to treat the ICJ's advisory opinion as binding. In any case, the effect would be to put an end to any dispute since the highest possible court would have rendered an opinion. See Ebere Osieke, Constitutional Law and Practice in the International Labour Organisation (Martinus Nijhoff Publishers 1985), p 203.

"shall" be referred to the ICJ;[3] unfortunately, it has not functioned as such given political differences in the Governing Body.

CONCERNS:

1. The CEACR appears to accept the idea that it must react to disagreements between the tripartite constituents, or in this case the claims of the Employers' Group which seek to undo decades of jurisprudence. The Annual Report this year states, "*It recalled that the existence and functioning of the Committee were anchored in tripartism, and that its mandate had been determined by the International Labour Conference and the Governing Body. Tripartite consensus on the ILO supervisory system was therefore an important parameter for the work of the Committee which, although an independent body, did not function in an autonomous manner. Divergences of views between constituents therefore had an impact on the Committee's work…*" While of course the constituents may have and express views on the observations of the Committee of Experts, the appropriate fora to address and resolve such disagreements are the ICJ (37.1) or the tribunal (37.2). We fear that despite having established thoughtful and authoritative jurisprudence, the CEACR is softening its observations in some instances in response to the pressure exerted largely by one constituent group.

2. The Committee of Experts is publishing much shorter analysis in the Annual Report – half the length of what was published just 2 years ago. We understand that the Office has set new word limits on the report entries. Further, we note that the text is more circumspect, and that the CEACR has dropped longstanding issues in some cases. The CEACR also relies more heavily on direct requests where in our view there is no question as to whether there is a violation in law or practice and thus the need to request further information. This makes it far more difficult for workers and unions to advocate on legal issues when the CEACR refuses to address obvious violations in their observations (Myanmar on C87 is perhaps the most egregious example).

3. The 2-3 weeks the CEACR meets is far too short a time to do the complex work that is tasked to them. The CEACR should meet for a longer period of time, meet for two 2 sessions, and/or expand the number of experts.

RECOMMENDATIONS:

1. In order to properly do the work assigned to it, we would recommend that additional experts be added to the CEACR, that there be additional/longer sittings or both.

2. We underscore the need for a clearer and detailed set of observations on the application of conventions in the Annual Report, as was the common practice prior to 2012. The

[3] Article 37.1. "Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice."

quality of some observations suffered in 2015 as a result of the markedly shorter report. We also underscore that the CEACR should comment on both legislation AND practice. Workers would oppose any proposal to limit the CEACR to legislation only. Given the practical limitations on the use of the Art 24 process, a focus on legislation only would mean that most violations in practice would go unreported.

3. It must be underscored in the requested report that the CEACR is an independent body which must engage in some degree of interpretation, even if not in the judicial sense. The report should clearly state that the ***appropriate*** means by which the constituents may challenge these interpretations is through the judicial procedures under Art 37. It is not appropriate to attempt to make new law in Art 24, Art 26 or the CAS, when the purpose is to apply the facts of the case to the "law" of the convention as determined by the CEACR.

2. The *Conference Committee on the Application of Conventions and Recommendations*

The Committee is established each year by the International Labour Conference. It reflects the ILO's tripartite structure of governments and of workers' and employers' representatives. The CAS holds a general discussion on the report of the CEACR and selects ~25 especially important or persistent cases and requests the governments concerned to appear before it and explain themselves. Discussions by the CAS are in turn taken into account by the CEACR when it next examines the application of the Convention concerned. The task of the CAS is to add a public and political element of direct discussions with a small selection of governments in a tripartite setting to gather additional information and put additional pressure on them in a public setting to implement in law and in practice the Conventions they have ratified (as well as to highlight progress when it occurs). Each committee bases its work in large part on the work of the other, in a circular and complementary way. This relation between two independent but complementary supervisory bodies is one that is found nowhere else in the UN system and should be preserved. It must be underscored here that the CAS does not sit in a superior position to the CEACR and is not meant to pass judgement on the CEACR's observations. Rather, it is meant to comment on how the government in question should comply with the CEACR's report.

CONCERNS

1. The selection of cases was not a major issue in 2015 due to the bipartite agreement. However, some have argued for a UN UPR-type arrangement.[4] The Workers Group would oppose any effort in the joint report to move toward an automatic rotation of cases. In general, the social partners can accept 24-5 cases, with consideration of some double footnoted cases. However, we would urge the CEACR to give further consideration to the number of cases and the diversity of conventions in the double-footnoted cases. In 2015, these cases leaned heavily towards child labour and forced labour. In some cases, the choices seemed unusual, as they

[4] The Universal Periodic Review (UPR) was created through the UN General Assembly on 15 March 2006. It is a cooperative process by which the human rights records of all 193 UN Member States are reviewed on their international obligations on a regular 4-year reporting cycle.

were cases of no particular urgency (Cambodia and Cameroon). And, the discussion on Cambodia on C182 practically prevented the more urgent discussion on Convention 87. Without suggesting a methodology for the CEACR, we would urge it to focus on a very limited number of truly urgent and/or serious cases. We would also emphasize that while the social partners usually accept and discuss in the CAS the double footnoted cases, there is no obligation to do so.

2. Despite having accepted the mandate of the CEACR in the bilateral agreement and the March 2014 Governing Body, the Employers continue to contest (in the CAS) the CEACR's well settled views on the scope of several conventions making consensual conclusions much harder to achieve (well beyond the right to strike). The refusal of the Employers (and some Governments) to take matters to the ICJ and the lack of an internal tribunal leads the Employers to pursue their disagreements in the CAS rather than to take differences of the interpretation to the appropriate forum (Art 37).

3. Other than a requirement to report to the CEACR the following year, there does not appear to be rigorous follow-up and engagement with the identified country in the absence of clear direction in the CAS conclusions (e.g., for a contacts mission). Even after such missions are concluded, recommendations may remain ignored leading to the case being taken up several times with little or no progress.

RECOMMENDATIONS:

1. Given the existence of differences in interpretation, it would be important to have an Article 37 solution to address these differences in order to prevent the disruption of the supervisory system. Given the problems we have experienced in obtaining a referral to the ICJ, we would hope that the report would evaluate the need for the establishment of an Art 37.2 tribunal as a potential forum to resolve these disputes. Please refer to Section D of this paper.

2. We continue to oppose a move to a UPR arrangement, or any such arrangement that would remove the decision-making from the workers and employers, as it would deprive the constituents of the possibility to highlight serious and urgent cases in a timely manner.

3. We would recommend putting the previous year's CAS cases in a separate part of the CEACR's report with a more probing scrutiny of the measures taken, if any, to respond to the CAS conclusions and more specific recommendations on necessary steps. This would give the CAS cases more visibility and follow up on each action item, which does not now happen. We would also recommend that the ILO enhance its follow-up to CAS conclusions, particularly after repeated failures, including through contacts missions and technical assistance. These mission reports should also be published in the Annual Report as part of the supervision (or at least put on NORMLEX with reference in the Report). There should also be more promotion by the ILO of structured interventions to increase compliance, through detailed, time-bound MOUs, or other similar mechanisms.

4. We would recommend that the format used to reach conclusions in 2015 be maintained, namely that the Employers' group and Workers' group negotiate the action points of the conclusion while the Office prepares a draft of that part of the conclusion which summarizes the views of the Experts, the Government's reply and the view of the Committee.

II. Complaint Procedures

A. REPRESENTATIONS UNDER ARTICLE 24 OF THE ILO CONSTITUTION

Under Article 24 of the ILO Constitution, a representation may be filed if a country "has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party." A representation thus may be filed only against a State that has ratified the Convention concerned. The Constitution provides only that the Governing Body may decide whether or not it is satisfied with the Government's reply to the representation, but in fact a rather elaborate procedure has been developed in this respect. After a representation has been declared receivable, a special ad-hoc tripartite committee is appointed by the Governing Body from among its members to examine the substance of the representation. The committee communicates with the filing organization and with the government concerned. The government is asked to comment on the allegations and to "make such statement on the subject as it may think fit". When all the information from both parties has been received, or if no reply is received within the time limits set, the committee makes its findings on compliance and makes recommendations to the Governing Body. If the Governing Body decides that the government's explanations are not satisfactory, it may decide to publish the representation and the government's reply, along with its own discussion of the case — i.e., to give it wider publicity than simply including the case in its records. The questions raised in a representation are followed up by the ILO's regular supervisory machinery, i.e., by the CEACR and the CAS.

CONCERNS:

1. The representation process can be lengthy, particularly when governments intentionally draw it out by responding late or not at all.

2. The representation is the process for <u>all</u> matters not related to FOA/CB principles and conventions. The ad-hoc committee relies on the availability of Governing Body members, many of whom are not experts in the areas being discussed and for which conclusions and recommendations applying law to fact are made. Even with the Office's assistance, the number of representations that can be filed and maintained at any given time will be limited unless there is an increase to the pool of potential ad-hoc committee members.

3. Governments and employers often select sympathetic government or employer representatives who are meant to deliver favourable decisions for Governments. For example, a representative from one country with nearly the same issues as the country under examination, and for which it would be in their interest to downplay the issues, should not be appointed to hear the case.

4. There is a low compliance rate with the recommendations of the representations, as evident by the follow-up reports of the CEACR. There are no mechanisms short of referral to a Commission of Inquiry (which is not now functioning) to encourage countries to comply with the committee's recommendations. The Art 24 representation appears to be one of the weaker mechanisms in the supervisory system and needs to be strengthened.

RECOMMENDATIONS:

1. It may be useful to allow the GB members on the ad-hoc committees to have recourse to regular assistance from (in the case of workers), lawyers from ACTRAV and/or the ITUC - both in the preparatory process and during the discussion of the case. This would place less of a burden on the GB member.

2. We would invite the authors of the report to make recommendations to address the concern we raised under point 3 above.

3. The current Joint Statement between Workers and Employers Groups requires the parties to specify what measures, if relevant, have been taken at the national level to resolve this dispute. This does not however impose any obligation to exhaust domestic remedies. In some cases, there may not be measures to exhaust (because, e.g., the issue is a law not a violation in practice, or it would be futile). If there is no indication that available domestic measures were taken, the ITUC and IOE should endeavour for the period between GB sessions to see if an amicable settlement with the government can be reached. Any such agreement should of course be reached in full consultation with the complainant. If no agreement is reached, the representation would be transmitted to the government by the next GB and the clock would start for the government to reply to the representation. Further, if requested by the worker representative, the ITUC and IOE could be invited to intervene to seek an amicable settlement with the government as set forth above, but would not be required to do so. The filer should be made aware of the option. Again, if no suitable agreement is reached, the representation would be transmitted to the government at the next GB session.

4. It would be of considerable value given the low level of compliance to have an automatic follow-up in addition to referring the matter back to the CEACR for supervision, such as an automatic mission or tripartite meeting in order to convene the tripartite constituents from the country concerned in order to work out a time-bound plan for the implementation of the recommendations. That plan would also be supervised by the CEACR. Failure by the government to agree to such a meeting/mission, or to a compliance plan should lead to higher levels of intervention by the ILO.

5. Unless there are extraordinary circumstances, governments should not be allowed to fail to respond to a representation more than one GB session. Currently, a government can stall two GB sessions and submit right before the third, prolonging the processes unnecessarily.

B. COMPLAINTS UNDER ARTICLE 26 OF THE ILO CONSTITUTION

As with representations, a *complaint* must be based on allegations that the country is not 'securing the effective observance of any Convention' it has ratified. A complaint may be filed against any Member State of the ILO. In fact, even if a State has withdrawn from the ILO but still has obligations under a Convention it ratified while a Member, a complaint may be filed. The complaint procedure may be instituted by *Governments that have ratified the same Convention,* by *delegates to the International Labor Conference*, or by *the Governing Body on its own motion*. Commissions of Inquiry usually hear representatives of the parties and witnesses presented by them and sometimes summon witnesses themselves. They often also conduct on-site visits to the countries concerned. A Commission arrives at conclusions and may make recommendations to the parties (article 28 of the Constitution). A report of the case is communicated to the ILO Governing Body and published. Note that it is submitted for information, and not for adoption – i.e., the Commission of Inquiry has the entire authority to make findings of compliance or failure to comply once appointed subject to article 29 (see below). Under article 29(2) of the ILO Constitution, any government concerned in a complaint may refer the complaint to the International Court of Justice if it does not accept the Commission's recommendations. The decision of the International Court of Justice in such cases is final (Article 31), and the Court 'may affirm, vary, or reverse the findings or recommendations of the Commission of Inquiry' (Article 32). Article 33 of the Constitution contains the only provisions allowing the ILO to "recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith."

CONCERNS:

1. The receivability of complaints has been in some cases needlessly delayed, as in the case of Bahrain, where the complaint was not even deemed receivable even though it had met all objective criteria.

2. The level of compliance with COI recommendations is extremely low (i.e. Belarus, Zimbabwe). There also appears to be little coordination between ILO and UN, regional human rights courts and national governments to pressure offending governments to comply with the recommendations.

3. Article 33 of the Constitution has been used only once in the history of the ILO, concerning Myanmar, limiting the coercive power of the ILO (the only such tool available in the ILO) when all other means have failed.

RECOMMENDATIONS:

1. All complaints must be deemed receivable at first GB session following its filing if they meet the objective criteria set forth in the constitution (e.g., is filed by a delegate to the conference, alleges a violation of a ratified convention, and contains a statement of facts which supports the allegation).

2. If a decision to establish a Commission of Inquiry is still pending by the June conference the year after the decision was made to deem the complaint receivable, an authoritative report will be prepared for the Nov GB (1 year anniversary) detailing the extent to which the issues in the complaint have or have not been resolved. The government complained against can get a 1 year extension if it agrees at that GB to a detailed action plan to be complied with within the year, with an automatic action point to establish a commission of inquiry at the end of that period. If it complies, no COI is established. If the government acts in bad faith during that year, a decision can be made to move the process forward. If the government does not agree to an action plan, the GB will decide at the Nov GB based on the authoritative report. The assumption would be for a commission unless there was an affirmative decision against.

2. A GB decision on an Article 33 is automatically put on the agenda of the GB if the COI's recommendations are not satisfied within [3/4/5] years, which is then communicated to the next conference. There should be an assumption that Art 33 measures will be applied unless the GB decides to extend the time to comply, it rejects Art 33, or sends the matter to the Selection Committee for a Resolution imposing partial measures. A decision on Art 33 may be stayed if there is a referral to the ICJ.

C. Special Procedures For Complaints Concerning Freedom Of Association

The most widely used ILO petition procedure is the special procedure established for complaints concerning violations of freedom of association. These procedures are not specifically provided for in the ILO Constitution but were established in 1951 by agreement between the ILO and the UN Economic and Social Council. The Committee on Freedom of Association has considered over 3,000 cases. The basic authority for the examination of complaints lies in the ILO Constitution itself, which consecrates the principle of freedom of association. A complaint may therefore be made against any Member of the ILO, whether or not the Conventions adopted on this subject have been ratified, and no formal relationship exists between the Conventions and the CFA procedures, though the CFA often refers to these Conventions. The Committee's members are drawn from the Governing Body, and it meets as a committee of the Governing Body. It has nine members, three from each group who act in their personal capacity, and is chaired by an independent person. If it finds that violations have occurred, it will make recommendations to the parties to correct the situation. The CFA may ask the government concerned to continue reporting to it, or it may refer the case to the CEACR (if the relevant Conventions have been ratified). In exceptional cases, the CFA may recommend referral of the case to the Fact-Finding and Conciliation Commission. The CFA has gradually developed a set of principles developing its understanding of the requirements of the ILO Constitution, Conventions and Recommendations, which have been summarized in a publication entitled *Freedom of Association: Digest of Decisions of the Freedom of Association Committee of the Governing Body of the ILO*, most recently updated by the International Labour Office in 2006.

CONCERNS:

1. The principles that should continue to govern the CFA, based on the comments made by the worker members in the discussion on the working methods, should be: to ensure the easy access to the procedure; ensure the swift processing of complaints and follow-up of the conclusions/recommendations of the Committee; guarantee the universality of the rights and principles of freedom of association, and to comply with the rights to freedom of association and collective bargaining (based on conventions/constitution and jurisprudence of committee); ensure legal stability and consistency and clarity/readability.

2. The Employers' Group is using the CFA now as the terrain to contest the interpretation of conventions. Again, this is not where these disputes should be had. If there is an issue as to interpretation, the appropriate venue is the tribunal or the ICJ.

3. Some have attempted to make an issue as to whether the CFA is applying the principles of the ILO Constitution or C87. In practice, it hasn't made a difference (until now). Where a member has not ratified C87, the answer is obvious. But, the text of C 87 itself contains principles which articulate the essential elements of FOA as enshrined in the Constitution. The CFA, set up only a few years after the adoption of C87 and C98, referred very quickly to these conventions to develop FOA principles. Thus, the essential difference for a country that has ratified the convention is that it is subject to the regular supervision by the CEACR and the CAS). However, clarity on this point is needed in order to resolve arguments now being put forth by the employers in the CFA relating to the dialogue between the CFA and the CEACR on freedom of association.

4. As with the Art 24, governments can game the process by delaying 2 times and then submitting right before the 3rd session – needlessly prolonging the discussion of the dispute.

5. As with the other mechanisms, there is little compliance with the conclusions of the CFA.

6. Concerning the CFA Digest, an updated digest could help give better direction to workers as to whether proposed complaints could be successful. However, this should not be used as an opportunity to remove or substantially weaken the digest on e.g. strikes, or other issues. In the past, the digest was never a tripartite endeavour nor should it be now. The update was done by the Office based on the review of the cases. If the digest is updated based only on decisions taken in the CFA cases, without interference by the constituents, we would support the update. We would however not be in favour of a substantive discussion on any particular development in the Committee's jurisprudence.

RECOMMENDATIONS:

1. The Report needs to state a clear position on the relationship between the Constitution and Conventions 87/98, and the relationship between CFA and Experts. On the first point, we

again emphasize that the CFA has built up a body of law based on its examination of over 3000 cases, based on the provisions of the Constitution of the ILO AND of the relevant Conventions, Recommendations and resolutions. The Constitution has long been established as the source of the CFA mandate to address issues relating to "freedom of association", certainly following the constitutional challenge to the competence of the CFA made by the then South African government in *Case No. 102 (South Africa)*.[5] In addition to deriving its mandate from the constitution, para 6 of the Digest states clearly that, **"**The mandate of the Committee consists in determining whether any given legislation or practice complies with the principles of freedom of association and collective bargaining laid down in the relevant Conventions" – it is not limited to Constitutional principles alone. Indeed, the CFA relied on Conventions 87 and 98 in considering the concept of freedom of association. Prior to 1953, the Office had been giving advice on what freedom of association meant. In 1953, the Director-General informed the Governing Body that the Office would no longer perform this function, as this was now entrusted to the CFA.[6] With regard to the relationship between the CFA and the CEACR, we would note that they have maintained a dialogue on questions of freedom of association – the CFA has cited the CEACR and vice versa. Where a member has ratified a convention, the CFA has at times sought the advice of the CEACR with regard to legislative aspects.

2. As to pt. 4, this should be limited to 1 session and then the CFA must move forward.

3. The CFA should be given some margin to consolidate complaints from the same country if there is no reason they could not have been filed together, particularly if they allege similar violations (3 cases of anti-union discrimination could be consolidated into a single complaint).

4. As to pt. 5, it would be of considerable value in order to improve the level of compliance to have an automatic follow-up mechanism at the national level to convene the tripartite constituents from the country concerned in order to review all outstanding CFA complaints and work out a time-bound plan for the implementation of the recommendations. Tripartite progress reports on the resolution of CFA cases would be referred to the CFA for discussion and submitted to the CEACR for follow-up (where convention is ratified). If no such plan is agreed to or is not implemented in a reasonable time, the government would be required to appear before the CFA in a special sitting to explain its failure.

5. Finally, we would request Mr. Koroma and Mr. Van Der Heijden to consider what other mechanism(s) could be created in particularly serious cases (e.g., where FOA has been raised by CEACR, CAS and CFA to no avail) in order to bring greater attention to the government's failure to respect the relevant conventions and/or principles on freedom of association.

D. Article 37.2

[5] *Case No. 102 (South Africa)*, 15th Report of the CFA (1955), para. 128.
[6] See Minutes of the Governing Body, 122nd Session, May-June 1953, p. 110.

The Workers' Group has expressed its openness to a discussion on the creation of an independent ILO Tribunal under article 37.2 to resolve disputes related to the interpretation of Conventions, based on clear, objective criteria. Agreement on the modalities of an ILO Tribunal under Article 37.2 would need to be agreed prior to its establishment.

In this regard, we attach for your consideration a draft concept paper prepared for the ITUC suggesting possible means to establish a tribunal. For us, basic principles would include (and as set forth in the attached paper):

- it would be used only in serious situations;
- it would be composed of independent judges with extensive international legal expertise, not a tripartite panel;
- it would receive interventions from interested parties through an adversarial procedure;
- it would not review the dispute *de novo* and thereby substitute its own views but rather apply an "abuse of discretion" standard;
- all observations of the CEACR not under review by the tribunal should be treated as valid and generally recognized.

OTHER ISSUES:

Article 19: In the lead up to the ILO centenary, we need to look at better addressing the situation of non-ratifying states. Even with the new generation of Article 19 reports under the Social Justice Declaration, we have failed in promoting higher ratification rates of ILO standards whereas the purpose of this Article is precisely to identify obstacles to ratification and to act upon them. The Office should certainly do more work on the promotion of the ratification of conventions. There would also be value in using a tripartite forum to address the situation of non-ratifying members with a view to try and get higher ratification rates, including by offering technical assistance. We could give a greater role to the Governing Body through for instance a mechanism of peer review to have a tripartite discussion in follow-up to the article 19 General Survey discussed at the Conference in the case of non-ratifying states. We would welcome ideas by the authors of the report on other potential mechanisms/fora. This should also be linked to the provision of the Social Justice Declaration that requests Members to review their situation as regards the ratification or implementation of ILO instruments with a view to achieving a progressively increasing coverage of each of the strategic objective (Section II, B, iii).

Urgent Cases: In urgent cases, we make requests for urgent interventions from the Office. However, the fact of the requests and responses are never published and there is no supervision of outcomes. This "mechanism" could be strengthened by ensuring that the outcomes are also feed back into the regular supervisory system (e.g., Committee of Experts). In the alternative, we could consider the establishment of a more formal "fast track" mechanism in cases of threats to life or liberty, imprisonment, etc.

Gender: It would be important to increase the representation of women in the supervisory mechanisms of the ILO, with a view to reaching gender parity.