

ILO Convention 182 on The Worst Forms of Child Labour:
Country Reporting Obligations and Opportunities for NGOs To Feed in To The ILO
Supervisory Process.

Reports

ILO Convention 182 on the worst forms of child labour was adopted in 1999. ILO member states are required to report on the implementation of Conventions they have ratified. Conventions enter into force in the country one year after ratification. State Parties to ILO Convention 182 must submit a detailed report, including all relevant laws, regulations, administrative provisions etc, two years later.

The first state party reports on Convention 182 were submitted in 2002, and 54 reports are due in 2003. The ILO has a website where it is possible to find up to date ratification information, and information on State Party reports.

The address for the link is:

<http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>

Ideally States should prepare their reports in consultation with national employers' and workers' organisations, and at the very least these organisations should be sent copies for comment.

NGOs are not a core part of this process. However they can still contribute to the ILO's supervisory process:

The supervisory process

The Committee of Experts

The Committee of Experts on the Application of Conventions and Recommendations meets annually from November to December to review government reports, and make a comprehensive assessment of law and practice. They are helped by supplementary information received from reliable sources (such as trade unions, UN, NGOs).

Official ILO and UN documents, and submissions made by workers' and employers' organisations are treated as primary sources of information with a direct bearing on the examination of the state report. Generally it is workers' and employers' organisations based in the country concerned which submit information on the periodic report. Information submitted by NGOs, the media or individuals is used for background purposes only.

However, workers' or employers' organisations may also submit material on behalf of NGOs. NGOs are encouraged to develop links with workers' organisations and put forward information in this way as it ensures that the information will be considered in the supervisory process. It is also a good idea to send information on child labour to IPEC directly.

The ILO must receive material by the end of August if it is to be considered by the Committee in the same year. So, NGOs wishing to submit information through workers' and employers' organisations must send it to them well in advance of that, usually by mid-July.

Observations and Direct Requests

The Committee of Experts can make “**Observations**” and “**Direct Requests**” to governments. Observations usually indicate long-standing problems implementing a Convention. Direct Requests for further information or clarification can supplement Observations or may stand on their own.

Comments

Employers’ and workers’ organisations can also submit “**Comments**” to the Committee of Experts on Convention 182, as with any other Convention. They can do so whether or not they are based in the country concerned. Comments highlight breaches in the State’s application of the Convention, and can lead to an Observation by the Committee of Experts.

NGOs may not submit Comments – but can supply information to workers’ and employers’ organisations, willing to take the matter up for them.

Although Comments do not have to be linked to the State Party’s reporting cycle, the same timetable applies for submitting information. The ILO must receive the information by the end of August to ensure that the Committee of Experts considers it at the following November-December session. So NGOs must make sure to forward it to the workers’ or employers’ organisation that has agreed to take the issue up by mid-July.

Annual Reports of the Committee of Experts

The Committee of Experts lists **Observations** on individual countries, arranged in order of Convention number in its **Annual Report**. The Report is issued in March every year.

International Labour Conference – Committee on the Application of Standards

The Committee on the Application of Standards meets every June as part of the International Labour Conference. It is a tripartite Committee composed of worker and employer organisation and government representatives.

The Committee on the Application of Standards makes an in-depth review of about 25 country **Observations**, all drawn from the Committee of Experts’ **Annual Report**. The Committee generally focuses on the gravest breaches of the fundamental ILO Conventions and cases of repeated non-compliance by State Parties. The Committee also tries to ensure a balance of countries and Conventions.

The tripartite discussions are in a spirit of dialogue and cooperation. Each case discussion ends in the formulation of a concluding paragraph, which is negotiated by the tripartite groups. In the worst cases of non-compliance, the Committee on the Application of Standards may decide to include the case in a “special paragraph” in its report to the International Labour Conference. This report is then forwarded to the Committee of Experts at its next session to continue the monitoring process.

Advice for NGOs on supplying information to workers organisations on the application of States' Convention 182 obligations

Any information sent by NGOs directly to the ILO is used for background information purposes only with no direct bearing on the monitoring process. Information sent by a member of the tripartite group, however, is regarded as an official source and so formally integrated into the ILO's examination of State Parties' Convention obligations. Of the tripartite constituents (governments, employers and workers), the trade unions are most likely to be responsive to taking up NGO concerns. As a result, the most effective way for NGOs to contribute information to the ILO supervisory mechanisms is to work closely with trade unions.

A good relationship with a trade union may take time to develop. However, the following points should help NGOs to achieve this and make the most out of the ILO supervisory mechanisms:

Collaboration with national or international trade unions?

A trade union/NGO partnership is likely to be most successful if it is based on contacts and collaboration at the national level. National NGOs in particular are encouraged to work with national trade unions where possible. However, international NGOs might find it more straightforward to work with international trade unions, such as the International Confederation of Free Trade Unions (ICFTU). As national trade unions are affiliated to international union groups, NGOs which work with a national trade union are encouraged to copy any material to the relevant international trade union group too.

How to present the information

There is no set format for submitting material to trade unions. However, it is essential that any information is thoroughly researched, accurate and objective. It helps if it is concise. The content must clearly also be tailored to the ILO Convention concerned.

Deadlines

As the ILO Committee of Experts meet in November/December each year, trade unions have to submit their comments by the end of August if they are to be considered at all that year. The earlier the trade unions submit their information, the greater the chance for a thorough consideration by the Committee of Experts. This is especially the case if time is allowed for the government to respond to any points raised in the submission prior to the Committee of Experts' annual meeting. Two months is considered to be a reasonable time to give governments to respond. NGOs, therefore, need to submit their material to trade unions as early as possible in the year to give the trade union time to process the information. They should submit their information by mid-July at the very latest.

NGOs should also be mindful that while the Committee of Experts consider the vast majority of trade union submissions, there is no absolute guarantee that this will happen.

State Reporting Cycle

NGO information on a State's application of Convention 182 is likely to have more effect if it also coincides with when the Committee of Experts are due to examine the report of the State concerned. If a State's report has been requested by the ILO and duly submitted by the State in time, the Committee of Experts will certainly discuss the State's application of their Convention obligations. The ILO website lists whether a State's report has been requested and/or submitted. However, if NGOs have information which does not coincide with the State in question's reporting cycle, it is still worth forwarding material concerning a State's Convention obligations to trade unions.