



The special supervisory procedures

15 December 2016, Amman, Jordan

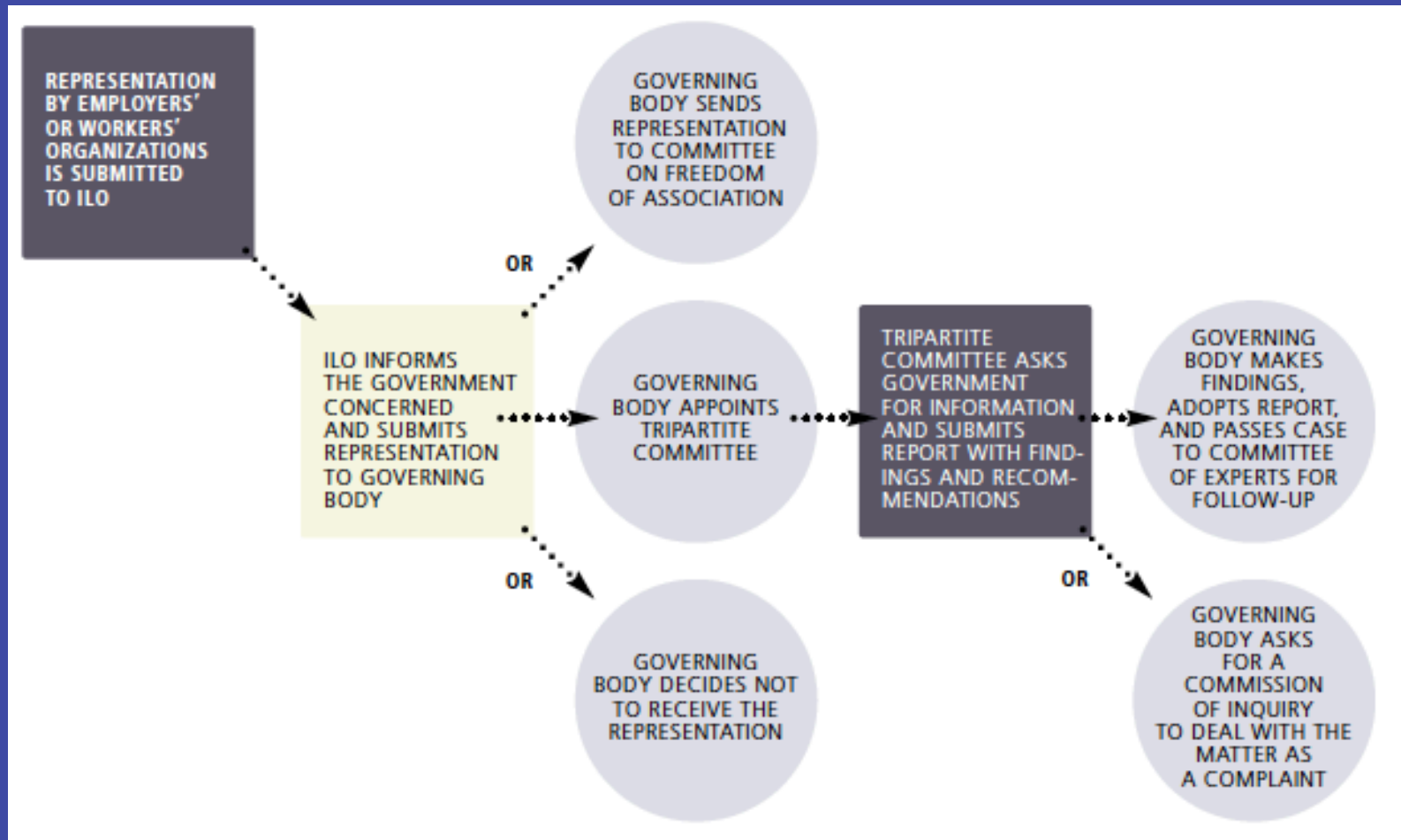
ILO special supervisory systems

- Procedures based on ILO Constitutional provisions
 - For all ILS subjects
 - For ratified Conventions only
- Freedom of association procedures
 - For allegations of violations of freedom of association standards and principles
 - Regardless of ratification

Article 24 representations

- Who can make a representation?
 - Any national or international employers' or workers' organization
- In order to be receivable, the representation must:
 - Be in writing
 - Emanate from an organization of workers or employers
 - Specifically refer to Article 24 of the ILO Constitution
 - Concern a member of the ILO
 - Refer to a ratified Convention
 - Indicate to what respect the Member has not ensured the effective observance of the Convention within its jurisdiction

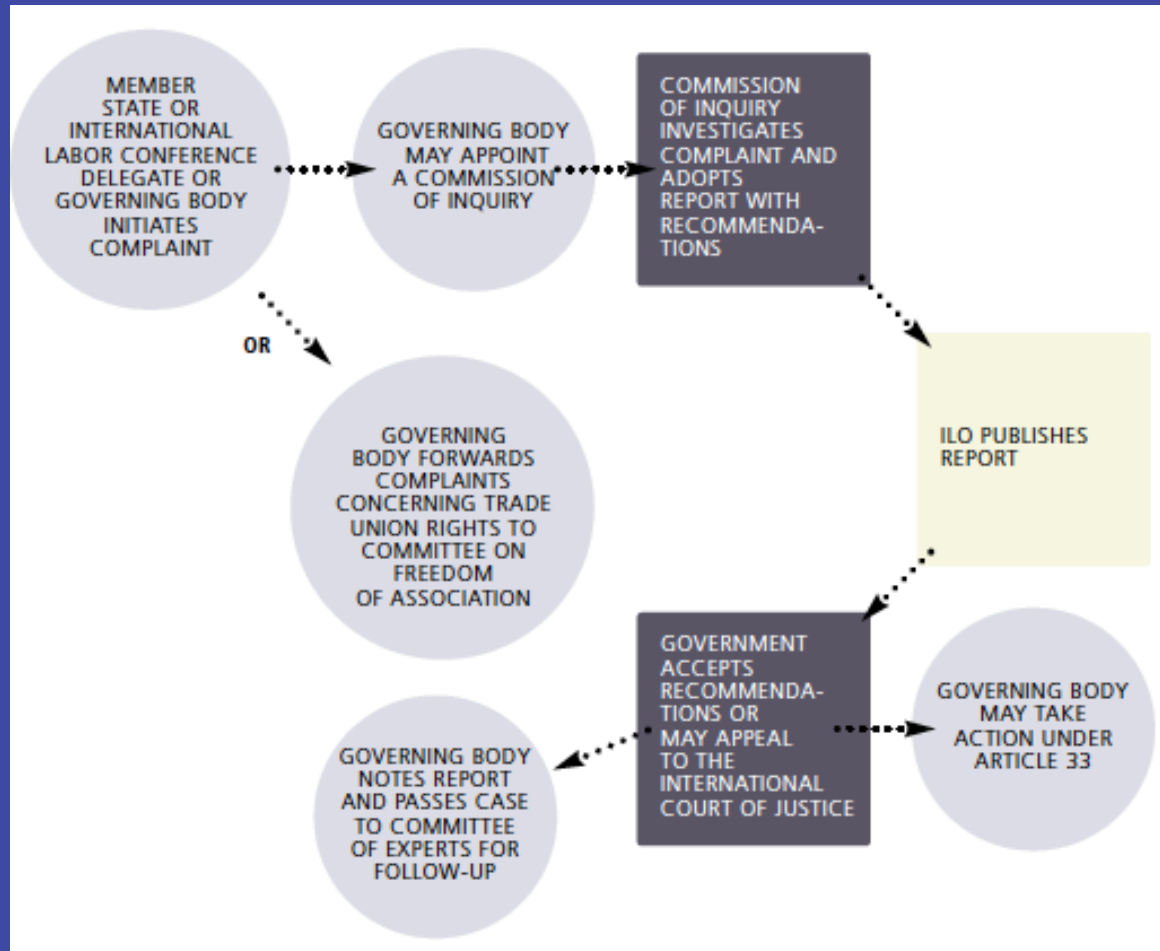
The representation procedure



Article 26 complaints

- Who can file a complaint?
 - Any ratifying member State
 - The Governing Body *ex officio*
 - One or more delegate to the Conference (government, employer or worker delegate)

The complaint procedure



CFA: creation and composition

- Established in 1951 by the GB
- GB tripartite organ
 - With 6 representatives from each group
- Chaired by an independent person

CFA: meetings

- Meets three times a year
 - In March, May and November
 - In private sittings
- Decisions are taken by consensus

CFA: procedure and characteristics

- Written procedure
 - On-the-spot missions and hearing of the parties possible
- May examine complaints regardless of ratification
- Not subject to prior exhaustion of national remedies
- May examine complaints even without the government's replay

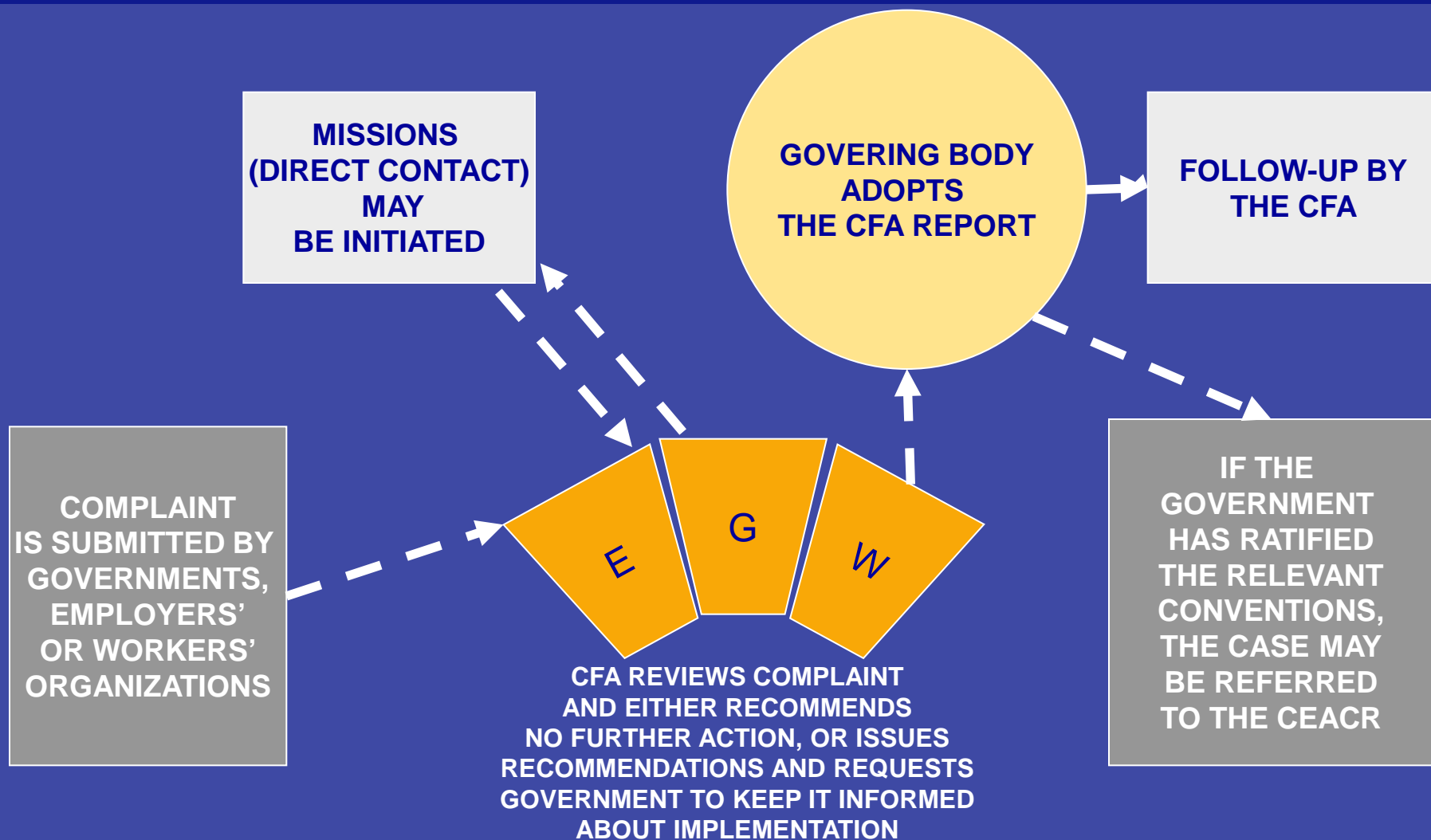
Who can lodge a complaint to the CFA?

- Workers' and employers' organizations
 - National, having direct interest in the matter
 - International, having consultative status with the ILO (e.g. ITUC)
 - International, where allegations relate to matters directly affecting affiliated organizations
- Governments

FOA complaint checklist

1. To the Committee on Freedom of Association (via the Director General)
2. In writing
3. Date and permanent address of the complainant
4. Against a government
5. Information about the complainant
6. The facts, with very detailed description: who, where, when, why
7. Evidence (e.g. judicial decisions, pictures, media reports)
8. Signature

Procedure before the CFA



CFA reports

1. Interim: additional information is needed either from the government or from the complainant
2. Follow-up: the CFA wants to leave the matter open in order to follow developments before closing the case and asks the government to be kept informed about developments
3. Definitive: the case is closed, no further examination needed

THANK YOU FOR THE ATTENTION!

Maura Miraglio

ITCILO International Labour Standards, Rights at
Work and Gender Equality Programme

m.miraglio@itcilo.org