

Committee of Experts on the Application  
of Conventions and Recommendations  
(CEACR)

*Observations 2019*

*Regional file by country -*

Arab States



## C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

**Observation 2019**

The Committee notes the observations of the International Trade Union Confederation (ITUC), received on 1 September 2019. The Committee notes the detailed discussion which took place at the 108th Session of the Conference Committee on the Application of Standards in June 2019, concerning the application by Iraq of the Convention.

**Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 108th Session, June 2019)**

*Articles 3(a) and 7(1) of the Convention. All forms of slavery and practices similar to slavery. Compulsory recruitment of children for use in armed conflict and penalties.* In its previous comments, the Committee noted from the report of the United Nations Secretary-General on Children and Armed Conflict of 16 May 2018 that the recruitment of children for their use in armed conflict is still prevailing on the ground. The Committee also noted that the UN Secretary-General expressed his concern about the organization of military training for boys aged 15 and above by the pro-government Popular Mobilization Forces (PMF) and encouraged the Government to develop an action plan to end and prevent the alleged training, recruitment and use of children by the PMF (A/72/865-S/2018/465, paragraph 85). The Committee strongly urged the Government to take measures as a matter of urgency to ensure the full and immediate demobilization of all children and to put a stop to the forced recruitment of children under 18 years of age into armed forces and armed groups.

The Committee notes that the Conference Committee urged the Government to provide an immediate and effective response for the elimination of the worst forms of child labour, including to: (i) take measures as a matter of urgency to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children into armed forces and armed groups; (ii) adopt legislative measures to prohibit the recruitment of children under 18 years of age for use in armed conflict; (iii) take immediate and effective measures to ensure that thorough investigations and prosecutions of all persons who forcibly recruit children for use in armed conflict are carried out and sufficiently effective and dissuasive penalties are imposed in practice; and (iv) collect and make available without delay information and statistics on investigations, prosecutions and penalties relating to the worst forms of child labour according to national enforcement mechanisms.

The Committee notes the observations of the ITUC that children are recruited and trained for suicide attacks, production of explosives and sexual exploitation. The eradication of these forms of child labour must be the highest of priorities for the Government of Iraq. It would also appear that military training is organized for boys aged 15 and over by pro-government forces. To combat these practices, it is essential for the legislation in Iraq to establish this prohibition explicitly together with effective and dissuasive penalties against those responsible for such recruitment.

The Committee notes the Government's reference to Law No. 28 of 2012. The Committee observes however that Law No. 28 is related to trafficking in persons and is not linked to the recruitment of children for use in armed conflict. The Committee notes the Government's indication that the competent courts have taken all legal measures to investigate those accused of mobilizing and recruiting children. The Government adds that there have been unverified reports of cases of children being forcibly recruited and compelled to fight by armed and similar groupings unlawfully claiming to be affiliated with the PMF. The only information that has been corroborated relates to terrorist groupings associated with the Islamic State in Iraq and Levant (ISIL) and their forced recruitment of children into their organizations and use of them in suicide missions and as human shields.

The Committee observes that in its report "Children and armed conflict" of 2019, the UN Secretary-General (UN Report) indicates that 39 children were recruited and used by parties to the conflict including five boys between the ages of 12 and 15, used by the Iraqi Federal Police in Nineveh Governorate to fortify a checkpoint, and one 15-year-old boy used by ISIL in Anbar Governorate to drive a car bomb into Fallujah city. In addition, 33 Yazidi boys between the ages of 15 and 17 were rescued after being abducted in Iraq in 2014 by ISIL and trained and deployed to fight in the Syrian Arab Republic (A/73/907/S/2019/509, paragraph 71).

The Committee once again **deeply deplores** the current situation of children affected by armed conflict in Iraq, especially as it entails other violations of the rights of the child, such as abductions, murders and sexual violence. It recalls that, under *Article 3(a)* of the Convention, the forced or compulsory recruitment of children under 18 years of age for use in armed conflict is considered to be one of the worst forms of child labour and that, under *Article 1* of the Convention, member States must take immediate and effective measures to secure the elimination of the worst forms of child labour as a matter of urgency. **While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country, the Committee once again strongly urges the Government to take measures as a matter of urgency to ensure the full and immediate demobilization of all children and to put a stop to the forced recruitment of children under 18 years of age into armed forces and armed groups. It also once again urges the Government to take immediate and effective measures to ensure that thorough investigations and prosecutions of all persons, including members in the regular armed forces, who recruit children under 18 years of age for use in armed conflict, are carried out and that sufficiently effective and dissuasive penalties are imposed in practice. Finally, the Committee once again urges the Government to take the necessary measures to ensure the adoption of the law prohibiting the recruitment of children under 18 years of age for use in armed conflict and expresses the firm hope that this new law will establish sufficiently effective and dissuasive penalties. The Committee requests the Government to provide information on any progress made in this regard.**

*Article 7(2). Effective and time-bound measures. Clauses (a) and (c). Prevent the engagement of children in the worst forms of child labour. Access to free basic education.* The Committee notes that the Conference Committee urged the Government to: (i) develop policies and programmes aimed at ensuring equal access to free public and compulsory education for all children by taking steps to give immediate effect to its previous commitment to introduce laws that prohibit the recruitment of children for armed conflict and dissuasively penalize those who breach this law; and (ii) supplement without delay the UNESCO "Teach a Child" project and other projects with such other measures as are necessary to afford access to basic education to all children of school age, particularly in rural areas and areas affected by war.

The Committee notes the Government's reference to a number of projects and programmes aiming to provide access to basic education for all children including: (i) the UNESCO "Teach a child" project has been implemented in the General Directorates of Education in the following governorates (Baghdad/Al-Rusafa Third/Al-Karkh Third) during the 2018–19 school year; (ii) the "Stabilization and Peace" programmes have been implemented in Nineveh Governorate during the 2018–19 school year, with support from the Mercy Corps international organization, to bring school dropouts in the 12–18 age group back into the classrooms; and (iii) programmes have been implemented to foster educational opportunities for young people from the governorates affected by the crises in Iraq (i.e. Baghdad/Al-Karkh First and Second/Al-Rusafa First and Second/Diyala/Kirkuk/Al-Anbar/Saladin) by opening "Haqak Fi Altaalim" centres for the 10–18 age group during the 2018–19 school year with the support of the Mercy Corps international organization. The Government also states that schools have been opened and have accelerated learning offered to bring in children in the 10–18 age group in the different governorates with appropriate monitoring and follow-up. **While acknowledging the difficult situation prevailing in the country, the Committee encourages the Government to continue to take the necessary measures to improve access to free basic education of all children, particularly girls, children in rural areas and in areas affected by the conflict. It also requests the Government to continue to provide information on the results achieved through the implementation of projects, particularly with respect to increasing the school enrolment and completion rates and reducing school drop-out rates so as to prevent the engagement of children in the worst forms of child labour.**

*Clause (b). Providing the necessary and appropriate assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. 1. Children in armed conflict.* The Committee notes the Government's indication that a High-Level Supreme National Committee was

established to follow up on abuses to which children are subjected to or the deprivation of their rights as a result of the armed conflict. This Committee is chaired by the Minister of Labour and Social Affairs and the Head of the Childcare Agency, with the membership of the board of the High Commission for Human Rights, the Ministry of the Interior, the Ministry of Education, the NGO Directorate, along with a representative from the PMF and another from the Foreign Ministry.

The Committee notes that according to the UN Report, as of December 2018, at least 902 children (850 boys and 52 girls) between the ages of 15 and 18 remained in detention on national security-related charges, including for their actual and alleged association with armed groups, primarily ISIL (paragraph 72). The Committee *deplores* the practice of the detention and conviction of children for their alleged association with armed groups. In this regard, the Committee must emphasize that children under the age of 18 years associated with armed groups should be treated as victims rather than offenders (see 2012 General Survey on the fundamental Conventions, paragraph 502). *The Committee, therefore, once again urges the Government to take the necessary measures to ensure that children removed from armed groups are treated as victims rather than offenders. It also, once again, urges the Government to take effective and time-bound measures to remove children from armed groups and ensure their rehabilitation and social integration. It requests the Government to provide information on the activities of the High-Level Supreme National Committee and the results achieved, in terms of the number of children removed from armed groups and socially reintegrated.*

2. *Sexual slavery.* The Committee notes that the Conference Committee urged the Government to take effective measures to identify and support children, without delay, who have been sexually exploited and abused through such means of sexual enslavement.

The Committee notes the Government's reference to article 29(iii) of the Constitution (prohibition of economic exploitation of children) as well as to section 6(iii) of the Labour Law of 2015 (elimination of child labour). The Committee notes however the absence of information on the practical measures envisaged or taken to identify and remove children from sexual slavery. *The Committee therefore once again urges the Government to take effective and time-bound measures to remove children under 18 years of age from sexual slavery and ensure their rehabilitation and social integration. It once again requests the Government to provide information on specific measures taken in this regard as well as the number of children removed from sexual slavery and rehabilitated.*

The Committee is also raising other matters in a request addressed directly to the Government.

## C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

*Observation 2019*

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

*Legislative framework.* The Committee recalls that, in its previous observation, it welcomed the findings and recommendations of the legal review on pay equity conducted by the National Steering Committee for Pay Equity (NSCPE), with ILO support, and asked the Government to provide information on the steps taken to implement the recommendations arising out of the legal review as they relate to the Convention, in particular with respect to the proposed amendments to sections 4 and 29A(6) of the Labour Law, with a view, respectively, to: (i) explicitly defining and prohibiting direct and indirect discrimination based on at least all the grounds enumerated in *Article 1(1)(a)* of the Convention, in all areas of employment and occupation, and covering all workers; and (ii) providing clear protection and remedies with respect to quid pro quo and hostile environment sexual harassment. The Committee notes that the Government does not provide information in its report on any of these matters. It however notes that, in its concluding observations, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the harsh conditions and high risk of physical and sexual abuse faced by many girls engaged as domestic workers (CEDAW/C/JOR/CO/6, 9 March 2017, paragraph 43(h)). In this regard, the Committee wishes to emphasize the importance of taking effective measures to prevent and prohibit sexual harassment in employment and occupation and it refers to the specific guidance provided in its general observation of 2002 on the topic. It also recalls that clear and comprehensive definitions of what constitutes discrimination in employment and occupation are instrumental in identifying and addressing the many manifestations in which it may occur (see 2012 General Survey on the fundamental Conventions, paragraph 743). *The Committee therefore again asks the Government to provide information on the steps taken to implement the recommendations of the NSCPE legal review on pay equity with a view to explicitly defining and prohibiting direct and indirect discrimination based on at least all the grounds enumerated in Article 1(1)(a) of the Convention, in all areas of employment and occupation, and covering all workers, as well as providing clear protection and remedies with respect to quid pro quo and hostile environment sexual harassment. The Committee also requests the Government to provide information on the measures taken in practice to raise awareness of and prevent and protect against sexual harassment in employment and occupation and on any cases relating to sexual harassment dealt with by the courts or detected by the labour inspectorate, and their outcomes.*

*Article 5. Special measures of protection. Restrictions on women's employment.* In its previous observation, the Committee referred to section 69 of the Labour Code, under which the Minister shall specify industries and occupations in which the employment of women is prohibited and the times during which women are prohibited from working, and asked the Government to take the opportunity of the ongoing legislative review process to amend section 69 of the Labour Code and the corresponding Ordinance No. 6828 of 1 December 2010, to ensure that any restrictions on women's employment are limited to maternity in the strict sense, and to provide information on any steps taken in this regard. Noting that the Government report is silent on this particular issue, the Committee recalls that protective measures applicable to women's employment which are based on stereotypes regarding women's professional abilities and role in society violate the principle of equality of opportunity and treatment between men and women in employment and occupation. It also wishes to stress that provisions relating to the protection of persons working under hazardous or difficult conditions should be aimed at protecting the health and safety of both men and women at work, while taking account of gender differences with regard to specific risks to their health (see 2012 General Survey on the fundamental Conventions, paragraph 840). Such restrictions have to be justified (based on scientific evidence) and periodically reviewed in the light of developments and scientific progress in order to ascertain whether they are still needed and remain effective. *In the absence of information from the Government, the Committee reiterates its request to the Government to take the opportunity of the ongoing legislative review process to amend section 69 of the Labour Code and the corresponding Ordinance, to ensure that any restrictions on women's employment are limited to maternity in the strict sense, and to provide information on any steps taken in this regard.*

The Committee is raising other matters in a request addressed directly to the Government.

*The Committee hopes that the Government will make every effort to take the necessary action in the near future.*

## C017 - Workmen's Compensation (Accidents) Convention, 1925 (No. 17)

## C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

*Observation 2019*

In order to provide a comprehensive view of the issues relating to the application of ratified Conventions on workmen's compensation, the Committee considers it appropriate to examine Convention No. 17 (accidents) and No. 19 (equality of treatment) together.

*Convention No. 17. Application of the Convention in practice.* In its previous comments, the Committee hoped that the Government would make every effort to complete the reforms required to guarantee the protection afforded by the Convention to injured workers. The Committee notes the information provided by the Government in its report according to which, issues in the application of the Convention were due to the delayed implementation of the Occupational Accidents and Occupational Diseases Branch, established by the Social Security Code (Decree No. 13955 of 1963) but not yet established in practice. The Committee notes with *concern* that compensation in case of work-related accidents is still regulated by Legislative Decree No. 136 of 1983, which it has previously found not to be in compliance with the requirements of the Convention in many respects: *Article 2* – the necessity to make the above Legislative Decree applicable to apprentices; *Article 5* – the necessity to provide in the event of employment injury that the compensation shall be paid in the form of periodical payments to the injured worker or his or her dependants, provided that it may only be paid in the form of a lump sum where there are guarantees that it will be properly utilized; *Article 6* – the payments of compensation in case of temporary incapacity from the fifth day following the accident at the latest and throughout the duration of the invalidity, that is until the worker is cured, or up to the date of the commencement of the periodical payments for permanent incapacity; *Article 7* – necessity to provide additional compensation where the worker requires the constant help of another person; *Article 8* – provision for review of the periodical payments either automatically or at the request of the beneficiary in the event of a change in the condition of the worker; and *Article 11* – making provision for guarantees in the event of the insolvency of the insurer, inter alia. The Committee observes that, despite the comments it has been making for many years, the measures necessary to bring the national legislation into conformity with the Convention have still not been taken. ***The Committee once again requests the Government to report on measures envisaged or taken with a view to giving full effect to the Convention, including measures related to the amendment of Legislative Decree No. 136 of 1983 and the implementation of the Occupational Accidents and Occupational Diseases branch of the Social Security Code.***

*Article 1(1) and (2) of Convention No. 19. Equality of treatment for survivors.* In its previous comments, the Committee recalled that, for many years, it has been drawing the Government's attention to the issue of the right of survivors of foreign workers, originating from a country party to Convention No. 19, to receive a pension even if they did not reside in Lebanon at the time of the accident causing the death of their breadwinner, and hoped that the new Labour Code would guarantee this right in law and practice and would not forestall the corresponding amendment of the legislation governing compensation for employment injuries, namely section 10 of Legislative Decree No. 136 of 1983 and sections 9(3), subparagraphs (2) and (4) of the Social Security Code. The Committee notes the Government's indication that it would be necessary to amend the relevant provisions in the Social Security Code once the Occupational Accidents and Occupational Diseases Branch is enacted to give effect to the Convention. ***Recalling that the Convention guarantees equality of treatment between the dependants of nationals and those of foreign workers from a country which has ratified the Convention without any requirement as to residence and irrespective of any reciprocity condition, the Committee once again requests the Government to take necessary measures to bring the national legislation in conformity with the Convention.***

The Committee has been informed that, based on the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM tripartite working group), the Governing Body has decided that member States for which Convention No. 17 is in force should be encouraged to ratify the more recent Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), or the Social Security (Minimum Standards) Convention, 1952 (No. 102), accepting its Part VI (see GB.328/LILS/2/1). Conventions Nos 102 and 121 reflect the more modern approach to employment injury benefits. ***The Committee therefore encourages the Government to follow up the Governing Body's decision at its 328th Session (October–November 2016) approving the recommendations of the SRM tripartite working group and to consider ratifying Conventions Nos 102 (Part VI) or 121 as the most up-to-date instruments in this subject area. The Committee reminds the Government of the possibility to avail itself of the technical assistance of the Office in this regard.***

## C029 - Forced Labour Convention, 1930 (No. 29)

*Observation 2019*

The Committee notes with *concern* that the Government's report has not been received. It is therefore bound to repeat its previous comments.

*Articles 1(1) and 2(1) of the Convention. Vulnerable situation of migrant domestic workers to conditions of forced labour.* In its earlier comments, the Committee noted the observation of 2013 from the International Trade Union Confederation (ITUC), indicating that there are an estimated 200,000 migrant domestic workers employed in Lebanon. These workers are excluded from the protection of the Labour Law, have a legal status tied to a particular employer under the *kafala* (sponsorship) system, and legal redress is inaccessible to them. Moreover, they are subjected to various situations of exploitation, including delayed payment of wages, verbal, and sexual abuse. The Committee also requested the Government to take the necessary measures to ensure that the Bill regulating the working conditions of domestic workers, as well as the Standard Unified Contract (SUC) regulating their work are adopted in the very near future.

The Committee notes the Government's indication in its report that, the Bill regulating the working conditions of domestic workers was drafted in conformity with Domestic Workers Convention, 2011 (No. 189), and the Bill has been submitted to the Council of Ministers for discussion. The Bill will provide a certain number of safeguards, including social security coverage; decent accommodation; the timely payment of wages through bank transfer; hours of work (eight hours per day); sick leave; and a day of rest. The Government also indicates that a Steering Committee has been established under the Ministry of Labour in order to deal with issues related to migrant domestic workers and is composed of relevant Ministerial Departments, representatives of the private recruitment agencies, NGOs, certain international organizations, as well as representatives of certain embassies. A representative from the ILO Decent Work Technical Support Team in Beirut is also participating in the Steering Committee.

Moreover, the Government indicates that the Ministry of Interior and the Ministry of Labour have taken a series of preventive measures, including awareness raising campaigns through the media; the establishment of a shelter "Beit al Aman" for migrant domestic workers who are facing difficulties in collaboration with Caritas; the appointment of social assistants who look into the working conditions of migrant domestic workers in their workplaces; the training of labour inspectors on decent working conditions; and the conclusion of a series of Memoranda of Understanding (MOUs) with sending countries, such as the Philippines, Ethiopia and Sri Lanka. The Government further states that the Ministry of Labour has set up a specialized office for complaints and a hotline to provide legal assistance to migrant domestic workers. Moreover, under the Recruitment Agencies of Migrant Domestic Workers Decree No. 1/168 of 2015, it is prohibited to impose recruitment fees on all workers.

The Committee further notes that in its 2015 concluding observations, the UN Committee on the Elimination of Discrimination against Women (CEDAW) welcomed the various measures adopted by the State party to protect the rights of women migrant domestic workers, including issuing unified contracts, requiring employers to sign up to an insurance policy, regulating employment agencies, adopting a law criminalizing trafficking in persons and integrating such workers into the social charter and the national strategy for social development. The CEDAW, however, expressed concern that the measures have proved insufficient to ensure respect for the human rights of those workers. The CEDAW is equally concerned about the rejection by the Ministry of Labour of the application by the National Federation of Labour Unions to establish a domestic workers' union, the absence of an enforcement mechanism for the work contracts of women migrant domestic workers, limited access for those workers to health care and social protection and the non-ratification of the Domestic Workers Convention, 2011 (No. 189). The CEDAW was further concerned about the high incidence of abuse against women migrant domestic workers and the persistence of practices, such as the confiscation of passports by employers and the maintenance of the *kafala* system, which place workers at risk of exploitation and make it difficult for them to leave abusive employers. The CEDAW was deeply concerned about the disturbing documented reports of migrant domestic workers dying from unnatural causes, including suicides and falls from tall buildings, and about the failure of the State party to conduct investigations into those deaths (CEDAW/C/LBN/CO/4-5, paragraph 37).

While taking note of the measures taken by the Government, the Committee notes with *concern* that migrant domestic workers are subjected to abusive employer practices, such as retention of passports, non-payment of wages, deprivation of liberty and physical abuse. Such practices might cause their employment to be transformed into situations that amount to forced labour. ***The Committee therefore urges the Government to strengthen its efforts to provide migrant domestic workers with an adequate legal protection, by ensuring that the Bill regulating the working conditions of domestic workers will be adopted in the very near future and to provide a copy of the legislation, once adopted. The Committee also urges the Government to take the necessary measures to ensure that migrant domestic workers are fully protected from abusive practices and working conditions that amount to forced labour.***

*Article 25. Penal sanctions for the exaction of forced labour.* In its earlier comments, the Committee noted that according to the ITUC's information, it was found that a lack of accessible complaint mechanisms, lengthy judicial procedures, and restrictive visa policies dissuade many workers from filing or pursuing complaints against their employers. Even when workers file complaints, the police and judicial authorities regularly fail to treat certain abuses against domestic workers as crimes. The Committee also noted the Government's indication that section 569 of the Penal Code, which establishes penal sanctions against any individual who deprives another of their personal freedom, applies to the exaction of forced labour. It requested the Government to provide information on any legal proceedings which had been instituted on the basis of section 569 as applied to forced labour and on the penalties imposed.

The Committee further notes that in its 2015 concluding observations, the CEDAW observed that migrant domestic workers face obstacles with regard to their access to justice, including fear of expulsion and insecurity of residence.

The Committee notes the Government's indication that the work of migrant domestic workers is regulated by the SUC and that the application of section 569 of the Penal Code is of the competency of the judiciary when a violation is detected. The Committee also notes copies of court decisions provided by the Government. It observes that the cases are related to non-payment of wages, harassment and working conditions of migrant domestic workers. In all cases employers have been sentenced to pay a monetary penalty to compensate the workers.

While noting this information, the Committee recalls that *Article 25* of the Convention provides that the exaction of forced labour shall be punishable as a penal offence. ***The Committee therefore urges the Government to take the necessary measures to ensure that employers who engage migrant domestic workers in situations amounting to forced labour are subject to really adequate and strictly enforced penalties. It requests the Government to provide information on measures taken in this regard.***

The Committee is raising other matters in a request directly addressed to the Government.

***The Committee expects that the Government will make every effort to take the necessary action in the near future.***

**C081 - Labour Inspection Convention, 1947 (No. 81)****Observation 2019**

*Labour law reform.* The Committee notes the information provided by the ILO Decent Work Technical Support Team and the Regional Office for Arab States that a tripartite meeting took place in 2019 with the support of the ILO and that a new labour law reform is under way. **The Committee requests the Government to take into account the matters raised below and in a request addressed directly to the Government in the context of this new reform process, in order to ensure the full conformity of a new Labour Code with the Convention, and to provide information on any progress made in this regard.**

*Article 3(1) and (2) of the Convention. Primary functions and additional duties of labour inspectors. 1. Supervision of union matters.* The Committee previously noted that, pursuant to section 2(c) of Decree No. 3273 of 26 June 2000, the labour inspectorate has the power to monitor vocational organizations and confederations at all levels in order to check whether the latter, in their operations, are exceeding the limits prescribed by law and by their rules of procedure and statutes. It recalls that for many years it had requested the Government to take steps to limit labour inspectors' intervention in internal trade union affairs. The Committee notes the Government's reply in its report that the role of labour inspectors is limited to accessing union records and to cases where a union submits its final account or a union council member files a complaint. The Government indicates that there are currently no complaints in this respect with the Department of Labour Relations and Trade Unions. The Committee further notes the statistics provided by the Government indicating that, in 2015, the labour inspectorate supervised 207 trade union elections and received 13 applications for authorization to establish unions.

In this respect, the Committee recalls that, according to *Article 3(1)* of the Convention, the primary functions of the labour inspection system shall be to monitor and secure the conditions of work and the protection of workers while engaged in their work, and that in accordance with *Article 3(2)*, any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers. Further, the Committee expressed reservations in its 2006 General Survey, *Labour inspection*, paragraph 80, regarding excessive use of close supervision by labour inspectors of the activities of trade unions and employers' organizations, to the extent that it takes the form of acts of interference in these organizations' legitimate activities. **The Committee urges the Government to take the necessary steps, in the context of the ongoing labour law reform, to ensure that the functions assigned to labour inspectors do not interfere with their main objective, which is to provide for the protection of workers in accordance with Article 3(1) of Convention No. 81. In this respect, it urges the Government to ensure that any supervision of trade union activities is carried out only in relation to the protection of the rights of trade unions and their members, and does not take the form of acts of interference in their legitimate activities and internal affairs.**

*2. Work permits for migrant workers.* The Committee notes the statistics provided by the Government indicating that, in 2015, a significant amount of the labour inspectorate's activities focused on the issuance (60,814) and renewal (148,860) of work permits, as well as inspections related to work permits (253). **The Committee requests the Government to take specific measures to ensure that the functions assigned to labour inspectors to issue and monitor work permits do not interfere with the main objective of labour inspectors to secure the enforcement of legal provisions relating to conditions of work and the protection of workers, as required under Article 3(1) of the Convention. It requests the Government to provide information on the time and resources spent on labour inspection activities in these work areas, compared to activities aiming at securing the enforcement of legal provisions relating to conditions of work and the protection of workers.**

*Article 12(1) and (2). Right of inspectors to enter freely any workplace liable to inspection.* In its previous comments, the Committee requested the Government to amend the Memorandum No. 68/2 of 2009 which requires prior authorization in writing for all unscheduled inspection visits. It notes that, according to section 6 of Decree No. 3273 of 2000 on Labour Inspection, labour inspectors shall have the authority to enter freely and without prior notice all enterprises under their supervision during hours of work at the enterprise and all parts thereof; and in conducting an inspection visit they shall apprise the employer of their presence on the premises, unless they consider such information detrimental to the execution of their functions. However, the Committee also notes the Government's indication that written authorization is provided in order for an inspection to be carried out, and that inspections are carried out as part of an inspector's annual or monthly programme. In this regard, the Committee recalls that *Article 12* of the Convention provides that labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection. It recalls that the requirement to obtain prior permission to undertake an inspection in all cases constitutes a restriction on the free initiative of inspectors to undertake an inspection, including where they have reason to believe that an undertaking is in violation of the legal provisions. **The Committee once again requests the Government to take measures to amend Memorandum No. 68/2 of 2009 to ensure that labour inspectors provided with proper credentials are empowered to enter freely any workplace liable to inspection, in accordance with Article 12(1) of the Convention, and to provide copies of any texts or documents showing progress in this regard.**

The Committee is raising other matters in a request addressed directly to the Government.

**C100 - Equal Remuneration Convention, 1951 (No. 100)****Observation 2019**

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

*Articles 1 and 2 of the Convention. Gender pay gap.* The Committee recalls its previous comments in which it noted that, according to statistics published in October 2011 by the Central Statistics Office, in 2007 the gender pay gap was an estimated 6.2 per cent in services; 10.8 per cent in commerce; 21 per cent in agriculture; 23.8 per cent in manufacturing; and 38 per cent in transport and communications. **In the absence of updated information in this regard in the Government's report, the Committee once again requests it to take the necessary steps to gather, analyse and communicate data on the remuneration of men and women and wage gaps in the different sectors of economic activity, including the public sector, and for different professional categories. The Committee once again requests the Government to adopt specific measures to rectify gender pay gaps, including raising awareness among employers, workers and their organizations of the principle of equal remuneration for men and women for work of equal value, and to provide information on any action taken to this end and on any obstacles encountered.**

*Article 2. Legislation. Equal remuneration for men and women for work of equal value.* For more than 40 years the Committee has been requesting the Government to ensure that the principle of equal remuneration for men and women for work of equal value is given full legal expression. The Committee notes with *regret* that the Government's report merely indicates that the new draft Labour Code is still under examination. **The Committee is therefore bound to urge the Government to ensure that the draft Labour Code gives full legal expression to the principle of equal remuneration for men and women for work of equal value, in order to facilitate a broad scope of comparison encompassing not only equal or similar work, but also work of an entirely**

*different nature that is of equal value overall. Expressing the firm hope that the Government will be in a position to report progress on this matter in the near future, the Committee asks the Government to provide a copy of the relevant provisions when they have been adopted.*

The Committee is raising other matters in a request addressed directly to the Government.

*The Committee hopes that the Government will make every effort to take the necessary action in the near future*

## C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

### Observation 2019

The Committee notes that the Government's report has not been received. It is therefore bound to repeat its previous comments.

*Articles 1 and 2 of the Convention. Protection of workers against discrimination, including sexual harassment. Law and practice.* For more than 20 years the Committee has been requesting that the Government introduce a definition and a general prohibition of direct and indirect discrimination on the grounds set out in *Article 1(1)(a)* of the Convention, within the framework of the Labour Code reform, applicable to all aspects of employment and occupation. The Committee recalls that the Labour Code currently in force (the Labour Code of 1946, as amended) only covers discrimination between men and women in certain aspects of employment (section 26) and does not provide effective protection against all forms of sexual harassment, namely quid pro quo and hostile working environment sexual harassment. Indeed, the only section of the Code that could be applied in cases of sexual harassment is a provision that authorizes employees to leave their jobs without notice when "the employer or his representative commits the offence of molestation of the worker" (section 75(3)). The Committee recalls in this regard that legislation under which the sole redress available to victims of sexual harassment is the possibility to resign, while retaining the right to compensation, does not afford sufficient protection for victims of sexual harassment since it punishes them and could therefore dissuade victims from seeking redress (see 2012 General Survey on the fundamental Conventions, paragraph 792). The Committee notes with *regret* that the Government's report does not contain any information on the progress or content of the ongoing reform of the Labour Code. However, the Committee observes that, according to the third annual report (2015) on the implementation of the National Strategic Plan for Women in Lebanon (2011–21), the Ministry of Labour has prepared a bill criminalizing sexual harassment in the workplace. *Consequently, the Committee urges the Government to take the necessary steps to ensure that the new Labour Code contains provisions defining and prohibiting direct and indirect discrimination on at least all of the grounds set out in Article 1(1)(a) of the Convention, in all aspects of employment and occupation, as defined in Article 1(3), and all forms of sexual harassment (quid pro quo harassment and the creation of a hostile working environment). The Committee once again asks the Government to provide information on any progress made with a view to adopting the draft Labour Code. In the absence of full legislative protection against discrimination, the Committee also once again requests the Government to adopt specific measures to ensure, in practice, the protection of workers against discrimination on the grounds of race, colour, religion, political opinion, national extraction and social origin, and against sexual harassment in employment and occupation, including measures to raise awareness of these issues among workers, employers and their respective organizations, in order to improve prevention.*

*Foreign domestic workers. Multiple discrimination.* For more than ten years, the Committee has been examining the measures taken by the Government to address the lack of legal protection for domestic workers, most of whom are women migrants, since these workers are excluded from the scope of the Labour Code and are particularly vulnerable to discrimination, including harassment, on the basis of sex and other grounds such as race, colour and ethnic origin. The Committee notes that, in its concluding observations, the United Nations Committee on the Elimination of Racial Discrimination (CERD) noted with concern that "abuse and exploitation of migrant domestic workers continues to occur in spite of the measures taken by the State party". The CERD also noted with concern that "victims are often not able to seek assistance when they are forcibly confined to the residence of their employers or when their passports have been retained". The CERD recommended the following measures: "abolish the conditions that render migrant domestic workers vulnerable to abuse and exploitation, including the sponsorship system and the live-in setting"; "extend the coverage of the Labour Code to domestic work, thereby granting domestic workers the same working conditions and labour rights as other workers, including the right to change occupation, and subjecting domestic work to labour inspections"; "ensure that any specific legislation on domestic employment is aimed at tackling migrant domestic workers' increased vulnerability to abuse and exploitation"; and "conduct campaigns to change the population's attitudes towards migrant domestic workers and to raise awareness of their rights" (CERD/C/LBN/CO/18–22, 5 October 2016, paragraphs 41–42). The Government reports that domestic workers are covered by the Code of Obligations and Contracts, and once again refers to the model contract and the Bill on the employment of domestic workers. The Government also indicates that a Bill to ratify the Domestic Workers Convention, 2011 (No. 189), was submitted to the Council of Ministers and that the national steering committee of the Ministry of Labour, which is responsible for examining relations between employers and domestic workers, is currently developing significant measures to guarantee compliance with contracts and abolish the sponsorship system. However, the Government states that this process will take time. In this regard, the Committee notes the Government's indication that the Ministry of Labour and official bodies have not established restrictions regarding changes of employer and that this is an issue that only concerns the worker and the employer. *Recalling its previous comments and noting with regret that the situation remains unchanged, the Committee urges the Government to take the necessary measures, in cooperation with the social partners, to ensure genuine protection for migrant domestic workers, in law and practice, against direct and indirect discrimination on all of the grounds set out in the Convention, including against sexual harassment, and in all areas of their employment, either through the adoption of a bill on the employment of domestic workers or, more generally, within the framework of the labour legislation. The Committee asks the Government to supply information on any progress made in this regard and on any legislative changes to abolish the sponsorship system. The Committee asks the Government, in particular, to ensure that any new regulations envisaged on the right of migrant workers to change employers do not impose conditions or restrictions likely to increase these workers' dependence on their employer and thus increase their vulnerability to abuse and discriminatory practices.*

The Committee is raising other matters in a request addressed directly to the Government.

*The Committee hopes that the Government will make every effort to take the necessary action in the near future.*

## C115 - Radiation Protection Convention, 1960 (No. 115)

### Observation 2019

*Articles 3(1) and 6 of the Convention. All appropriate steps to ensure the effective protection of workers, in the light of available knowledge and maximum permissible doses of ionizing radiation.* 1. *Lens of the eye.* The Committee notes that table 2 of Decree No. 11802, regarding the organization of prevention, safety and professional hygiene, sets the dose limitation to the lens of the eye as 150 mSv per year. *With reference to paragraph 32 of its 2015 general observation on the application of Convention No. 115, the Committee requests the Government to take measures to ensure that the dose limits to the lens of the eye are set as 20 mSv per year, averaged over defined periods of five years, with no single year exceeding 50 mSv per year.*

2. *Protection for pregnant and breastfeeding workers.* *With reference to paragraph 33 of its 2015 general observation on the application of Convention No. 115, the Committee once again requests the Government to provide information on any measures to establish the maximum permissible dose for workers who are pregnant or breastfeeding.*

*Articles 6(1), 7(1)–(2) and 8. Dose limits for persons between 16 and 18 years.* The Committee previously requested the Government to indicate whether Decree No. 700 of 1999 had been revised with a view to setting limits for workers under the age of 18 years involved in ionizing radiation work and prohibiting the engagement of workers under the age of 16 in such work. The Committee notes the Government's indication, in response, that Decree No. 700 has been repealed and replaced by Decree No. 8987 of 2012. Decree No. 8987 provides that engaging workers under the age of 18 in activities where they are exposed to carcinogenic substances, radiations or substances that may cause infertility or birth defects is totally prohibited (section 1 and Annex 1). It also notes that section 21 of Decree No. 11802 sets general dose limits for workers over 18 years of age in the terms of table 2 of the Decree's Annex. However, the Committee notes that Annex 2 of Decree No. 8987, concerning a list of work activities which are likely to harm the health, safety or morals of workers under the age of 16 years, and are allowed for workers aged 16 and over, includes those exposing workers to atomic or ionizing radiation, provided that these workers are offered full protection of their physical, mental and moral health and that these minors receive special education or appropriate vocational training, with an exception of the works totally banned in the terms of Annex 1. With reference to its 2015 general observation on the application of Convention No. 115, the Committee recalls that for occupational exposure of apprentices aged 16 to 18 years of age who are being trained for employment involving radiation and for exposure of students aged 16 to 18 who use sources in the course of their studies, the dose limits are: (a) an effective dose of 6 mSv in a year; (b) an equivalent dose to the lens of the eye of 20 mSv in a year; and (c) an equivalent dose to the extremities (hands and feet) or to the skin of 150 mSv in a year. ***The Committee once again requests the Government to take the necessary measures, including in the course of the ongoing labour law reform, to ensure that specific dose levels are fixed for workers between the ages of 16 and 18 engaged in radiation work.***

The Committee is raising other matters in a request addressed directly to the Government.

## C138 - Minimum Age Convention, 1973 (No. 138)

### Observation 2019

The Committee notes with **concern** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

*Article 2(1) of the Convention. Scope of application.* In its earlier comments, the Committee noted that the Labour Code only applies to work performed under an employment relationship (by virtue of sections 1, 3 and 8 of the Code). The Committee recalled that the Convention applies to all branches of economic activity and covers all types of employment or work, whether they are carried out on the basis of an employment relationship or not, and whether they are remunerated or not. The Committee also noted that under Chapter 2, section 15, of the draft amendments to the Labour Code, it seemed that the employment or work of young persons would also include non-traditional forms of employment relationship. The Committee therefore requested that the Government provide information on the progress made in relation to the adoption of the provisions of the draft amendments to the Labour Code.

The Committee notes an absence of information in the Government's report on this point. ***Considering that the Government has been referring to the draft amendments to the Labour Code for a number of years, the Committee once again expresses the firm hope that the Government will take the necessary steps to ensure that the amendments to the Labour Code relating to self-employed children and children in the informal economy are adopted in the very near future. The Committee requests that the Government provide a copy of the new provisions, once adopted.***

*Article 2(2). Raising the minimum age for admission to employment or work.* In its earlier comments, the Committee noted that, at the time of ratifying the Convention, Lebanon declared 14 years as the minimum age for admission to employment or work and that Act No. 536 of 24 July 1996, amending sections 21, 22 and 23 of the Labour Code, prohibits the employment of young persons before the age of 14. The Committee also noted the Government's intention to raise the minimum age for admission to employment or work to 15 years of age and that the draft amendments to the Labour Code would include a provision in this regard (section 19). The Committee requested that the Government provide information on the progress made in the adoption of the provisions of the draft amendments to the Labour Code on the minimum age for employment or work.

The Committee notes the Government's indication in its report that the Committee's comments have been taken into account in the draft amendments to the Labour Code. The draft has also been submitted to the Council of Ministers for its examination. ***The Committee once again requests that the Government provide information on any progress made in the adoption of the provisions of the draft amendments to the Labour Code regarding the minimum age for employment or work.***

*Article 2(3). Compulsory education.* In its earlier comments, the Committee noted that the age limit for compulsory education is 12 years of age (Act No. 686/1998 relating to free and compulsory education at the primary school level). The Committee also noted the Government's indication that a draft law aimed at raising the minimum age of compulsory education to 15 years had been sent to the Council of Ministers for examination. The Committee requested that the Government indicate the progress made in this regard.

The Committee notes the Government's indication that the Ministry of Labour took into account the Committee's comments which were inserted in the draft amendments to the Labour Code. Moreover, the Committee notes that in its 2016 concluding observations, the UN Committee on Economic, Social and Cultural Rights is concerned at the number of children, especially refugee children, who are not in school or have quit school owing to the insufficient capacity of the educational infrastructure, the lack of documentation, and the pressure to work to support their families, among other reasons (E/C.12/LBN/CO/2, paragraph 62).

In this regard, the Committee recalls the necessity of linking the age of admission to employment to the age limit for compulsory education. If the two ages do not coincide, various problems may arise. If the minimum age for admission to work or employment is lower than the school leaving age, children may be encouraged to leave school as children required to attend school may also be legally authorized to work (see 2012 General Survey on the fundamental Conventions, paragraph 370). Noting the Government's intention to raise the age of completion of compulsory schooling to 15 years, the Committee once again reminds the Government that pursuant to *Article 2(3)* of the Convention, the minimum age for admission to employment (currently 14 years) should not be lower than the age of completion of compulsory schooling. ***Therefore, the Committee urges once again the Government to intensify its efforts to raise the minimum age for admission to employment or work to 15 years, and to provide for compulsory education up until that age, within the framework of the adoption of the draft amendments to the Labour Code. The Committee requests that the Government provide a copy of the new provisions, once adopted.***

*Article 6. Vocational training and apprenticeship.* In its earlier comments, the Committee noted that the Government had stated that the draft amendments to the Labour Code (section 16) had set the minimum age for vocational training under a contract at 14 years. The Committee expressed the firm hope that such a provision under the draft amendments would be adopted in the near future.

The Committee notes the Government's indication that section 16 will be adopted along with the draft amendments to the Labour Code. The Government also indicates that the National Centre for Vocational Training is in charge of carrying out vocational training and apprenticeships. ***The Committee once again expresses the firm hope that section 16 of the draft amendments to the Labour Code, setting a minimum age of 14 years for entry into an apprenticeship, in conformity with Article 6 of the Convention, will be adopted in the very near future.***

*Article 7. Light work.* In its earlier comments, the Committee noted that under section 19 of the draft amendments to the Labour Code, employment or work of young persons in light work may be authorized when they complete 13 years of age under certain conditions (except in different types of industrial work in which the employment or work of young persons under the age of 15 years is not authorized). The Committee also noted that light work activities would be determined by virtue of an Order from the Ministry of Labour. The Committee requested that the Government provide information on any progress made in this regard.

The Committee notes the Government's indication that it has asked for light work to be included in the ongoing ILO-IPEC Project "Country level engagement

and assistance to reduce child labour in Lebanon" (CLEAR Project) and that a few meetings have been held in this regard. The Government indicates that, once the CLEAR Project is launched, it will be able to prepare a statute on light work in accordance with the relevant international standards. *The Committee once again requests that the Government take the necessary measures to ensure the formulation and adoption of a statute determining light work activities, including the number of hours during which, and the conditions in which, light work may be undertaken. It requests that the Government provide information on the progress achieved.*

The Committee is raising other matters in a request addressed directly to the Government.

*The Committee expects that the Government will make every effort to take the necessary action in the near future.*

## C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

### Observation 2019

The Committee notes with **concern** that the Government's report has not been received. It is therefore bound to repeat its previous comments.

*Articles 3, 7(1) and (2)(b) of the Convention. Worst forms of child labour, penalties and direct assistance for rehabilitation and social integration. Clause (a). All forms of slavery or practices similar to slavery. Trafficking.* In its previous comments, the Committee noted the adoption of the Anti-Trafficking Act No. 164 (2011). The Committee requested the Government to provide information on the application of this Act, in practice.

The Committee notes the statistical information related to trafficking of children provided by the Government in its report. It notes that in 2014, five child victims of trafficking for labour exploitation (street begging), and one child victim of trafficking for sexual exploitation, were identified. According to the Government's indication, all the child victims identified were referred to social and rehabilitation centres, such as the "Beit al Aman" shelter in collaboration with Caritas. The Government also indicates that in 2014 the Higher Council for Childhood drafted a sectorial Action Plan on Trafficking of Children that is still under consultations with the relevant stakeholders.

The Committee also notes that in its 2015 concluding observations, the UN Committee on the Elimination of Discrimination against Women (CEDAW) recommended the Government to provide mandatory gender-sensitive capacity-building for judges, prosecutors, the border police, the immigration authorities and other law enforcement officials to ensure the strict enforcement of Act No. 164 to combat trafficking by promptly prosecuting all cases of trafficking in women and girls (CEDAW/C/LBN/CO/4-5, paragraph 30(a)). *The Committee requests the Government to take the necessary measures to ensure that the draft sectorial Action Plan on Trafficking of Children is adopted in the near future, and to provide information on any progress made in this regard. The Committee also requests the Government to continue to provide information on the application in practice of Act No. 164 of 2011, including statistical information on the number of investigations, prosecutions, convictions and penal sanctions applied for the offence of trafficking of children. Lastly, the Committee requests the Government to provide information on any measures adopted in order to prevent trafficking of children as well as measures taken to ensure that child victims of trafficking are provided with appropriate rehabilitation and reintegration services.*

*Clauses (b) and (c). Use, procuring or offering of a child for the production of pornography or for pornographic performances and for illicit activities, in particular for the production and trafficking of drugs.* In its previous comments, the Committee noted that under section 33(b) and (c) of the draft amendments to the Labour Code, the use, procuring or offering of a child for the production of pornography or for pornographic performances and for illicit activities is punishable under the Penal Code, in addition to the penalties imposed by the Labour Code. It also noted that section 3 of Annex No. 1 of Decree No. 8987 of 2012 on hazardous work prohibits such illicit activities for minors under the age of 18. The Committee noted the statistical information (disaggregated by gender and age) provided by the Government on the number of children found engaged in prostitution from 2010 to 2012.

The Committee notes the Government's indication that the labour inspectorate is the body responsible for the supervision of the implementation of Decree No. 8987. The Committee notes with **concern** that according to the Government's indication no cases related to the application of the Decree have been detected so far. *The Committee urges the Government to take immediate and effective measures to ensure the application in practice of the provisions of Decree No. 8987 of 2012 prohibiting the engagement of children for prostitution or pornographic purposes or for illicit activities. The Committee requests the Government to provide statistical information on any prosecutions and convictions made with regard to the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.*

*As for the draft amendments to the Labour Code, the Committee once again requests the Government to take the necessary measures without delay to ensure the adoption of the provisions prohibiting the use, procuring or offering of persons under the age of 18 for the production of pornography or for pornographic performances, and the use, procuring or offering of persons under the age of 18 for illicit activities, as well as of the provisions providing for the penalties imposed.*

*Article 7(2). Effective and time-bound measures. Clause (d). Identifying and reaching out to children at special risk. 1. Refugee children.* In its previous comments, the Committee requested the Government to provide information on the measures taken within the work programme of the National plan of action on the elimination of child labour (NAP-WFCL) for working Palestinian children to protect them from the worst forms of child labour.

The Committee notes the Government's indication that no new measures have been taken due to the political and security situation in the country. The Committee also notes that according to the 2016 United Nations High Commissioner for Refugees (UNHCR) report entitled "Missing out: Refugee Education in Crisis", there are more than 380,000 refugee children between the ages of 5 and 17 registered in Lebanon. It is estimated that less than 50 per cent of primary school-age children have access to public primary schools and less than 4 per cent of young persons have access to public secondary schools. The report highlights that since 2013 the Government has introduced a two-shift system in public schools to encourage the enrolment of refugee children. About 150,000 children have entered this system. It also notes from the ILO report entitled "ILO response to the Syrian Refugee crisis in Jordan and Lebanon", of March 2014, that many refugee children are working in hazardous conditions in the agricultural and urban informal sector, street peddling or begging. *While acknowledging the difficult situation prevailing in the country, the Committee urges the Government to take effective and time-bound measures to protect refugee children (in particular Syrian and Palestinian) from the worst forms of child labour and to provide the necessary and appropriate direct assistance for their removal and for their rehabilitation and social integration. It requests the Government to provide information on the number of refugee children who have benefited from any initiatives taken in this regard, to the extent possible disaggregated by age, gender and country of origin.*

*2. Children in street situations.* The Committee notes the Government's indication that the Ministry of Social Affairs has taken a series of measures to address the situation of street children, including: (i) undertaking activities to raise awareness through education, media and advertisement campaigns; (ii) training of a certain number of social protection actors/players working in child protection institutions; (iii) providing rehabilitation activities for a certain number of street children and their reintegration in their families; (iv) within the framework of the Poverty Reduction Strategy (2011–13) 36,575 families have been chosen to benefit from free basic social services, such as access to free compulsory public education as well as medical facilities. The Government also indicates that the 2010 draft "Strategy for Protection, Rehabilitation and Integration of Street Children" has not been implemented yet, but is in the process of being revised.

The Committee notes the 2015 study "Children Living and Working on the Streets in Lebanon: Profile and Magnitude" (ILO–UNICEF–Save the Children International) which provides detailed statistical information on the phenomenon of street-based children across 18 districts of Lebanon. The Committee also notes that the report comprises a certain number of recommendations, including: (i) enforcing relevant legislation; (ii) reintegrating street-based children into education and providing basic services; and (iii) intervening at the household-level to conduct prevention activities. The Committee further observes that despite street work being one of the most hazardous forms of child labour under Decree No. 8987 on hazardous forms of child labour (2012), it is still prevalent with a

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total of 1,510 children found to be living or working on the streets. Moreover, the Committee notes that in its 2016 concluding observations, the UN Committee on Economic, Social and Cultural Rights recommended that the Government raise resources so as to provide the necessary preventive and rehabilitative services to street children and enforce existing legislation aimed at combating child labour (E/C.12/LBN/CO/2, paragraph 45). ***Recalling that street children are particularly vulnerable to the worst forms of child labour, the Committee urges the Government to strengthen its efforts to protect these children, and to provide for their rehabilitation and social reintegration. The Committee also urges the Government to take the necessary measures to actively implement the 2010 draft strategy entitled "Strategy for Protection, Rehabilitation and Integration of Street Children", once revised and report on the results achieved. Finally, the Committee requests the Government to provide information on the number of street children who have been provided with educational opportunities and social integration services.***

The Committee is raising other matters in a request directly addressed to the Government.

*The Committee expects that the Government will make every effort to take the necessary action in the near future.*

**C029 - Forced Labour Convention, 1930 (No. 29)****Observation 2019**

*Articles 1(1) and 2(1) of the Convention. Vulnerable situation of migrant workers to conditions of forced labour. Migrant workers and migrant domestic workers.* In its previous comments, the Committee noted that migrant workers are covered by Labour Law No. 35 of 2003 (Chapter 2: Regulation of foreigners' work) and that they can terminate their employment contract after a notification period of 30 days. The Committee also noted that migrant domestic workers are not covered by the Labour Law and that their work is regulated by Ministerial Order No. 1 of 2011, on the recruitment of non-Omani workers by private employment agencies, as well as the model contract for recruiting migrant domestic workers. It further noted that under Ministerial Decree No. 189/2004 on the Special Terms and Conditions of Domestic Workers, migrant domestic workers cannot work for another employer before completing the procedure of changing to another employer according to the national regulations (section 7). The Committee requested the Government to indicate the manner in which this category of workers can freely terminate their employment contract and to report on the number of employment transfers that took place in practice for migrant workers and migrant domestic workers.

The Committee notes the Government's indication in its report that the period of time required to transfer a worker from one employer to another varies from a minimum of one day to a maximum of one month, depending on the readiness of the parties. The Government also states that there is no sponsorship (*kafala*) system in Oman and that the system in place is a temporary contractual relationship pursuant to an employment contract specifying the terms and signed by the worker and the employer. According to the Government, the reduction in the number of cases involving the transfer of workers is a positive reflection of labour force stability in employment, which provides evidence of a decent working environment in Oman as a result of the efforts made by the Ministry of Manpower, in cooperation with the ILO, to implement the Decent Work Country Programme since 2010.

Regarding migrant domestic workers, the Committee notes the Government's indication that the procedures for terminating domestic workers' contracts and the period required to transfer their services from one employer to another are the same procedures as those that apply to all workers.

The Committee notes that pursuant to section 8 of Ministerial Decree No.189/2004, on the Special Terms and Conditions of Domestic Workers, the employment contract can be terminated by either the employer or the worker provided that one month's notice is given. The worker is entitled to terminate the employment contract without providing a prior notice in case of abuse by the employer or a member of the employer's family. The Committee notes however that pursuant to section 7(4), the migrant domestic worker cannot work for another employer before the recruiter relinquishes his sponsorship and completes the necessary procedures in this regard.

The Committee observes that while there are provisions allowing migrant workers, including domestic workers to terminate their employment contract, the conditions for changing employment remain difficult in practice, as the work permit of this category of workers is linked to their sponsor-employer pursuant to sections 17 and 20 of the Foreign Residence Act No.16/95 of 1995. These provisions stipulate that the residence visa is given to the foreign worker by his sponsor and the conditions and the procedures of transfer of the foreign worker to another sponsor are determined by the decision of the Inspector-General of the Ministry of Interior.

The Committee notes that in its concluding observations of 2017, the UN Committee on the Elimination of Discrimination against Women (CEDAW) recommended that the Government of Oman review the *kafala* system, which operates against vulnerable migrant workers. The Committee further notes that this Committee observed that, while the Government had adopted a number of measures to protect the rights of female migrant domestic workers, the *kafala* system still increases their risk of exploitation. The CEDAW was also concerned about: the exclusion from the Labour Law of this category of workers and, therefore, from access to the labour courts, their risk of facing charges of "absconding", as well as the fact that forced labour is not criminalized under the Penal Code and is prohibited only under the Labour Law, which does not apply to domestic workers (CEDAW/C/OMN/CO/2-3, paragraphs 30(h) and 39).

The Committee recalls that the sponsorship system creates a relationship in which migrant workers, including domestic workers, are dependent on their sponsors-employers, and that the work permit of this category of workers is linked to their sponsors. The Committee observes that such a system prevents migrant workers from freely terminating their employment and increases their risk of vulnerability to situations amounting to forced labour. ***In this regard, the Committee requests the Government to strengthen its efforts to ensure that migrant workers, including migrant domestic workers are not exposed to practices that amount to forced labour. The Committee once again requests the Government to indicate the manner in which migrant workers including migrant domestic workers, can exercise, in practice their right to freely terminate their employment, so that they do not fall into abusive practices that may arise from the sponsorship system. The Committee also requests the Government to provide further information on the application in practice of the sponsorship system, including information on the number of migrant workers who have changed employer and whose work permits have been transferred to a new employer.***

The Committee is raising other matters in a request addressed directly to the Government.

**C105 - Abolition of Forced Labour Convention, 1957 (No. 105)****Observation 2019**

*Article 1(a) of the Convention. Sentences of imprisonment involving the obligation to work as a punishment for expressing certain political views or views ideologically opposed to the established political, social or economic system.* In its previous comments, the Committee noted that sentences of imprisonment (involving the obligation to work under section 25 of the Prison Regulations (Decree No. 48 of July 1998)) may be imposed under various provisions of the national legislation in circumstances covered by *Article 1(a)* of the Convention, namely:

--Section 134 of the Penal Code, which prohibits the establishment of associations, (political) parties and organizations which are opposed to the political, economic and social system of the Sultanate. Any organization that is established in violation of these provisions shall be dissolved and its founding members and any other member shall be sentenced to a penalty of imprisonment (from one to ten years).

--Sections 5 and 54 of the Law on private associations (Royal Decree No. 14/2000) which prohibit the establishment of associations or parties for political or religious purposes and establish a penalty of imprisonment of six months for any person who participates in activities other than those for which the association was established.

--Section 61 of the Law on telecommunications (Royal Decree No. 30 of 12 March 2002) which provides for a penalty of imprisonment of one year for any person who, using a means of telecommunication, draws up a message that is contrary to public order and morals or which is intended to injure a person through the use of false information.

--The Law on publication and printing (Royal Decree No. 49/84 of 26 May 1984) which prohibits any publication prejudicial to the person of the King, the image of Islam or imperiling the prestige of the State (section 25); any publication injurious to the national currency or giving rise to confusion about the economic situation of the country (section 27); and the publication of information or the coverage of any subject without prior authorization from the Ministry of Information and Communications (section 33).

The Committee notes the Government's indication in its report that no court decisions have been handed down for violation of the above-mentioned

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provisions. The Committee recalls that section 134 of the Penal Code, sections 5 and 54 of the Law on private associations, section 61 of the Law on telecommunications, and sections 25, 27 and 33 of the Law on publication and printing are worded in terms broad enough to be used as a means of punishment for peacefully expressing political views and, insofar as they are enforceable with sanctions of imprisonment involving compulsory labour, they may fall within the scope of the Convention. The Committee also recalls that *Article 1(a)* of the Convention prohibits the use of forced or compulsory labour, including compulsory prison labour, as a punishment for holding or expressing political views. The range of activities which must be protected, under this provision, from punishment involving forced or compulsory labour thus comprises the freedom to express political or ideological views (which may be exercised orally or through the press and other communications media), as well as various other generally recognized rights, such as the right of association and of assembly, through which citizens seek to secure the dissemination and acceptance of their views and which may also be affected by measures of political coercion (see the 2012 General Survey on the fundamental Conventions, paragraph 302). *The Committee therefore requests the Government to take the necessary measures to repeal or amend the above-mentioned national legislation so that no penal sanctions involving compulsory prison labour may be imposed on persons who, without using or advocating violence, express certain political views or views opposed to the established political, social or economic system. Pending the adoption of such measures, the Committee requests the Government to provide information on the application in practice of the above-mentioned provisions, including copies of relevant court decisions.*

## C029 - Forced Labour Convention, 1930 (No. 29)

*Observation 2019*

*Articles 1(1), 2(1) and 25 of the Convention. Vulnerable situation of migrant workers to conditions of forced labour. Background and context.* The Committee previously noted that at the 103rd Session of the International Labour Conference (ILC) in June 2014, 12 delegates to the ILC, under article 26 of the International Labour Organisation (ILO) Constitution filed a complaint against the Government of Qatar relating to the violation of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81). It also noted the discussions which took place at the 104th Session of the Conference Committee on the Application of Standards (CAS) in June 2015, concerning the application by Qatar of the Convention. The Committee further noted that at its 331st Session (October–November 2017), the Governing Body decided to close the complaint against the Government of Qatar and support the technical cooperation programme between the Government of Qatar and the ILO and its implementation modalities. The technical cooperation programme is articulated around five pillars, including: improvement in payment of wages; enhanced labour inspection and occupational safety and health (OSH) systems; refinement of the contractual system that replaces the *kafala* system; improved labour recruitment procedures, increased prevention, protection and prosecution against forced labour; and promotion of the voice of workers.

1. *National legal framework for migrant workers.* In its previous comments, the Committee requested the Government to provide information on the following issues: (i) the functioning of the sponsorship system (*kafala*); (ii) the procedure for issuing exit visas; (iii) recruitment fees and contract substitution; (iv) passport confiscation; (v) the late payment and non-payment of wages; and (vi) migrant domestic workers.

(i) *Functioning of the sponsorship system (kafala).* In its earlier comments, the Committee noted that the recruitment of migrant workers and their employment were governed by Law No. 4 of 2009 regulating the sponsorship system. Under this system, migrant workers who have obtained a visa must have a sponsor (section 180). The law forbids workers to change employer, and the temporary transfer of the sponsorship is only possible if there is a pending lawsuit between the worker and the sponsor. The Committee also took note of Law No. 21 of 2015 which regulates the entry, exit and residence of migrant workers and which entered into force in December 2016. The Committee observed that the main new feature introduced by the Law of 2015 consisted of the fact that workers may change jobs without the employer's consent at the end of a contract of limited duration or after a period of five years if the contract is of unspecified duration (section 21(2)) without the employer's consent; whereas under the Law of 2009, the worker could not return to work in Qatar for two years in case the sponsor refused such transfer. However, it observed that the Law of 2015 did not seem to foresee termination by the expatriate worker before the expiry of the initial contract (that is with a notice period) without approval of the employer nor did it set out reasons and conditions for termination generally, other than in a few very specific cases. The Committee expressed the firm hope that new legislation would remove all the restrictions that prevent migrant workers from terminating their employment relationship in the event of abuse and would enable migrant workers to leave their employment at certain intervals or after having given reasonable notice during the duration of the contract and without the employer's permission.

Regarding the transfer of workers in abusive situations, the Committee notes that Law No. 21 of 2015 allows the Minister of Interior or its representative to approve the temporary transfer of a migrant worker to a new employer in cases involving lawsuits between a worker and his/her current employer, provided that the Ministry of Labour approves the transfer. The Committee notes the statistical information provided by the Government on the number of workers transferred to new employers from December 2016 to January 2019 which reached a total of 339,420 permanent transfers. It notes that the number of transfers based on abuse reached 2,309 in 2019. The Committee notes the Government's reference in its report to Minister of Interior Decree No. 25 of 2019 on the issuance of the executive regulations of Law No. 21 of 2015 regulating the entry, exit and residence of foreign nationals. The Committee further notes in the annual progress reports to the Governing Body on the ILO technical cooperation programme in Qatar (annual progress report) that the programme supported the drafting of amendments to Labour Law No. 14 of 2004 and Law No. 21 of 2015 regulating the entry and exit of expatriates and their residence with regard to termination of employment and the removal of the no-objection certificate so as to eliminate restrictions on workers' freedom of movement to change jobs (GB.337/INS/5 paragraph 18).

The Committee notes that amendments to Labour Law No. 14 of 2004 and Law No. 21 of 2015 to eliminate restrictions on workers' freedom of movement to change jobs were approved by the Council of Ministers in September 2019, and referred to the Shura Council for consideration. ***Welcoming this recent legislative development that will enable migrant workers to leave their employment after having given reasonable notice, the Committee trusts that the amendments will be adopted shortly by the Shura Council and requests the Government to provide information on their adoption and entry into force as well as on their application, including data on the number of employment transfers that have taken place, disaggregated on the basis of contracts of limited duration and contracts of unspecified duration and on the basis of gender.***

(ii) *Procedure for issuing exit visas.* The Committee previously noted that Law No. 4 of 2009 on Entry and Exit of Foreign Workers required migrant workers to obtain an exit permit signed by the sponsor in order to leave the country. It subsequently noted the adoption of Law No. 21 of 2015 on Entry and Exit of Foreign Workers which removed the obligation to have the exit permit signed by the sponsor to leave the country. Law No. 21 nevertheless provided that the employer may object to the departure from the country of the expatriate worker in which case the latter had the right to appeal to an Appeals Committee (section 7(2) and (3)). The Committee further observed that the Law did not enumerate the specific grounds on which the employer may object to the departure of the migrant worker from the country. The Committee requested the Government to take the necessary measures to remove the obstacles that limit the freedom of movement of migrant workers.

The Committee notes with ***satisfaction*** the adoption of Law No. 13 of 2018 which amends section 7 of Law No. 21 and suppresses the exit permit requirement for migrant workers covered by Labour Law No. 14 of 2004. The Committee notes, however, that this new Law specifies that employers may submit for approval to the Ministry of Administrative Development, Labour and Social Affairs (MADLSA) a list of workers for whom a "no-objection certificate" would still be required, with a justification based on the nature of their work. Positions in which exit permits may be required are limited to the following highly-skilled workers: chief executive officers, finance officers, managers responsible for the oversight of the company's day-to-day operations and directors of ICT. The number of these workers per company shall not exceed 5 per cent of their workforce. As of May 2019, the number of companies that requested an exception up to a maximum of 5 per cent of the workforce was 12,430 companies, while the number of workers was 38,038. Given that Law No. 13 does not cover categories of workers outside of the scope of the Labour Law, the Committee notes that a Ministerial Decision is to be adopted before the end of 2019 to suppress the exit permit for all workers not covered by the Labour Law, notably domestic workers, workers in government and public institutions, workers employed at sea and in agriculture, as well as casual workers. ***The Committee trusts that the Ministerial Decision to be adopted by the end of 2019, which extends the coverage of Law No. 13 of 2018 thereby removing the requirement to obtain exit permits for all migrant workers, will be adopted in the very near future. It requests the Government to provide information on developments in this regard.***

(iii) *Recruitment fees and contract substitution.* The Committee previously encouraged the Government to ensure that recruitment fees are not charged to migrant workers. It also requested the Government to ensure that contracts signed in sending countries are not altered in Qatar. The Committee notes the Government's indication that amendments to section 33 of Labour Law No. 14 of 2004 provide that: "A licensee shall be prohibited from recruiting workers from abroad on behalf of third parties and from receiving any money for recruiting workers in the form of payment, recruitment fees or other costs". The Government underlines that this provision has been added to the basic contracts signed by all migrant workers in order to clarify to employers and workers that the Qatari law prohibits employers from imposing any recruitment fees. The Committee further notes that the work of recruitment agencies is regulated by Ministerial Decree No. 8 of 2005 which ensures that recruitment is carried out by licensed companies and respects all workers' rights. There are currently 349 recruitment agencies that have a valid license under this system. Moreover, Decree No. 8 holds recruitment agencies in the country responsible for selecting recruitment agencies in

the country of origin that comply with the law. To this end, 36 bilateral agreements and 13 memoranda of understanding have been signed with workers' countries of origin in order to provide legal protection for them prior to their employment. According to the Government, the MADLSA follows up on the work of the labour recruitment offices acting on behalf of a third party to recruit workers and inspects them periodically or without prior notice. The Government states that in 2019, 337 inspection visits have been carried out and four warnings have been issued.

The Committee also takes note of the establishment of the electronic contract models for migrant workers including migrant domestic workers. According to the Government, in 2018, the total number of electronic contracts approved by the MADLSA covered 389,810 workers registered in the system of electronic contract. Furthermore, the Committee notes the establishment of the Qatar Visa Centre in the labour-sending countries in which fingerprint and medical screening procedures are carried out before the worker arrives in Qatar and the contract is signed electronically. The signing of the contract electronically by a worker allows him/her to read the contract in his/her native language, giving him/her a better chance to understand the contract and negotiate its terms if he/she is not satisfied with any of the terms included therein. The Committee notes that Visa Centres were opened in six labour-sending countries – Sri Lanka, Bangladesh, Pakistan, Nepal, India and the Philippines, with future plans to open Centres in Tunisia, Kenya and Ethiopia. All the services provided by the Centres are free and performed electronically, while the cost is borne by employers and paid through a bank transfer. Additionally, the Committee notes that in line with the ILO General Principles and Operational Guidelines for Fair Recruitment, a "Fair Employment Programme" is being implemented with the Government of Bangladesh, as a pilot project in the construction sector. *The Committee requests the Government to continue to take measures to ensure that recruitment fees are not charged to workers, and to provide information on violations detected in this regard. Considering the establishment of the electronic contract system to be an important initiative which can contribute to reducing contract substitution, the Committee requests the Government to continue to provide information on the number of workers, including domestic workers registered in the electronic contract system.*

(iv) *Passport confiscation, late payment and non-payment of wages.* The Committee notes that section 8(3) of Law No. 21 of 2015 prohibits passport confiscation and any person who violates this provision shall be sentenced to a maximum fine of 25,000 Qatari riyals (QAR) (US\$6,800). According to the Government, the residency permit is now issued in a separate document and not included in passports. Ministerial Decree No. 18 of 2014 specifies the requirements and specifications of suitable accommodation for migrant workers, in a manner which enables migrant workers to keep their documents and personal belongings, including their passports. Surveys conducted in 2017 and 2018 by Qatar University's Social and Economic Survey Research Institute (SESRI) showed that passport retention became less common among entities covered by the Labour Law.

Regarding the implementation of the wage protection system (WPS), the Government indicates that the number of companies registered in WPS was 80,913 and the percentage of workers whose salaries were transferred on time to their bank accounts increased to 92.3 per cent while the percentage of unpaid workers was at 7.7 per cent. The Committee notes with *interest* the establishment of the "Workers' Support and Insurance Fund" which aims to guarantee the payment of workers' entitlements that are determined by Labour Disputes Settlement Committees in the event of a company's insolvency and if it is unable to pay wages in order to avoid actions that may take time and affect the ability of workers to fulfil their obligations towards their families or others. The Fund also aims to facilitate the procedures for return of migrant workers, including domestic workers to their country of origin. The Fund is currently working on a pilot and partial basis, and final regulations will be adopted with a view to ensuring the Fund's full operation by the end of 2019. *The Committee requests the Government to continue to provide information on the work achieved by the Workers' Support and Insurance Fund in terms of enabling migrant workers to recover their entitlements.*

(v) *Migrant domestic workers.* In its previous comments, the Committee expressed the firm hope that the draft Bill on Domestic Workers will be adopted.

The Committee notes with *interest* the adoption of Law No. 15 of 2017 on migrant domestic workers as well as the model contract approved by the MADLSA in September 2017. It notes that migrant domestic workers shall be entitled to: a paid probationary period (section 6); a monthly wage paid at the end of the month (section 8); maximum hours of work not exceeding ten hours a day (section 12); and a paid weekly rest holiday that is not less than 24 consecutive hours (section 13). The Committee further notes that migrant domestic workers can terminate their employment contract before the end of its duration in a number of cases, including: (i) failure of the employers to meet their obligations specified in the provisions of this Law; (ii) provision of misleading information during the conclusion of the employment contract; (iii) physical violence from the employers or a member of their families; and (iv) in the event of a serious danger which threatens a worker's safety or health, provided that an employer was cognizant of the danger.

The Committee also notes the statistical information provided by the Government on the number of convictions and fines imposed on employers of female domestic workers in 2018. It notes that 16 cases of violence were reported followed by 12 convictions of an average of one month of imprisonment. According to the Government, the MADLSA and the ILO will issue two manuals for domestic workers and employers of domestic workers, based on the projects of related organizations and the Migrant-Rights NGO. The Handbook on Domestic Workers will be printed in several languages and will provide information on the main provisions of Law No. 15 of 2017. The Handbook for Employers will be printed in Arabic and English and will also provide information based on the rights and responsibilities of employers as provided for in Law No. 15 of 2017. These manuals will be launched as part of a wider public awareness campaign on the rights and responsibilities of domestic workers and their employers in Qatar. *The Committee requests the Government to continue to provide information on the application in practice of Law No. 15 of 2017, indicating the number and nature of complaints filed by migrant domestic workers and the outcome of such complaints, including the penalties applied.*

2. *Access to justice and law enforcement.* In its previous comments, the Committee requested the Government to provide information on: (i) access to the complaints mechanism; and (ii) monitoring mechanisms for infringements of the labour legislation and imposition of penalties.

(i) *Access to the complaints mechanism.* The Committee notes the Government's indication that access to the complaints mechanism is free of charge and the related devices are available in 11 languages. The Committee further notes the establishment of the Labour Disputes Settlement Committees (Cabinet Resolution No. 6 of 2018) mandated to take decisions within a period not exceeding three weeks in all disputes related to the provisions of the law or the work contract. According to the Government, each worker or employer must submit, in case a dispute arises between them, the case first to the competent department of the Ministry (Labour Relations Department), which takes the necessary measures to settle the dispute amicably. The agreement is documented in the minutes of the dispute settlement meetings and has an executory force. If the dispute is not settled or the worker or employer refuse the settlement of the competent department, the dispute shall be referred to the Labour Disputes Settlement Committee. The decision of the Labour Disputes Settlement Committee may be appealed within 15 days from the issuance of the decision (if in presence of parties), or as of the day following the issuance of the decision (if its decision was in absentia), and the competent Court of Appeal shall consider the appeal rapidly, and take its decision within thirty days as of the date of its first hearing. The Committee further notes that a Protocol was agreed upon between the MADLSA and the ILO which allows workers to submit complaints using the facilitation of the ILO Office in Doha. It also notes that, based on that Protocol, the ILO has lodged 72 complaints for 1,870 workers, resulting in the conclusion of 43 cases (1,700 workers). The remaining cases are either on appeal, pending the outcome of criminal cases, or in process (GB.337/INS/5 paragraph 46). In 2018, the total number of workers submitting a complaint reached 49,894 and were mainly cases related to the late payment of wages, travel, tickets, end of service bonus and leave allowance. Out of these complaints, 5,045 cases were referred to the Labour Disputes Settlement Committees and 93 cases were settled. *The Committee encourages the Government to pursue its efforts to facilitate access of migrant workers to the Labour Disputes Settlement Committees. Please continue to provide statistical information on the number of migrant workers who have had recourse to these Committees, the number and nature of the complaints as well as their outcome.*

(ii) *Monitoring mechanisms on the infringement of labour legislation and imposition of penalties.* The Committee notes the Government's indication that the number of labour inspectors reached 270 dedicated to migrant worker-related issues. *In this regard, the Committee refers the Government to its detailed comments under the Labour Inspection Convention, 1947 (No. 81).*

Regarding the applicable penalties, the Committee notes the Government's indication that section 322 of the Penal Code No. 11 of 2004 stipulates that: "Whoever forcibly obliges somebody to work with or without a salary shall be liable to imprisonment of a term of up to six months and a fine not exceeding QAR3,000 (US\$826), or one of these two penalties". The number of criminal reports issued because of non-payment of wages during 2018, which were referred to the courts by the Office of Residence Affairs, reached 1,164 cases.

During 2015, the Human Rights Department of the Ministry of Interior received 168 complaints related to passport retention, all of which were referred to the Public Prosecution. The majority of the complaints have been investigated into, and the persons who were found to be in violation were forced to return the passports, and several arrest warrants were issued. 232 cases of passport confiscation were referred to the Public Prosecution in 2016 and 169 cases were referred to the Public Prosecution in 2017. In 2018, two cases of passport confiscation were reported and the average fine ranging from QAR5,000 to QAR20,000 (US\$1,300 to US\$5,000) was imposed on the two defendants. The Committee observes, however, that the penalties imposed consist only of fines. The Committee reminds the Government that, by virtue of *Article 25* of the Convention, the exaction of forced or compulsory labour shall be punishable as a *penal* offence, and the penalties imposed by law shall be really adequate and are strictly enforced. *Underlining once again the importance of effective and dissuasive penalties being applied in practice to those who impose forced labour practices, the Committee urges the Government to ensure that thorough investigations and prosecutions of those suspected of exploitation are carried out and that in accordance with Article 25 of the Convention, effective and dissuasive penalties are actually applied to persons who impose forced labour on migrant workers, especially the most vulnerable migrant workers. The Committee requests the Government to continue to provide information on the judicial proceedings instigated as well as the number of judgments handed down in this regard. It also requests the Government to provide concrete information on the actual penalties applied, indicating the number of cases in which fines were imposed, the number of cases in which sentences of imprisonment were imposed as well as the time served.*

## C081 - Labour Inspection Convention, 1947 (No. 81)

### Observation 2019

*Technical cooperation.* Following its previous comments, the Committee welcomes the information in the Government's report concerning the progress achieved in the context of the technical cooperation programme between the Government and the ILO (2018–20), particularly the second pillar which concerns improving the labour inspection and occupational safety and health (OSH) systems. In this respect, the Committee notes with *interest* the adoption of the labour inspection policy in April 2019. This policy was developed on the basis of the Assessment of the Qatar Labour Inspection System, prepared by the Ministry of Administrative Development, Labour and Social Affairs and the ILO. The policy includes the collection of data, the implementation of an evidence-based strategy and measures to ensure transparency and accountability of inspections. *The Committee requests the Government to continue to provide detailed information on the measures taken in the context of the ongoing technical cooperation to strengthen the implementation of the Convention, including on the implementation of the labour inspection policy.*

*Articles 3, 12 and 16 of the Convention. Sufficient number of labour inspections and coverage of workplaces.* The Committee previously urged the Government to pursue its efforts with respect to strategic planning and the development of a modern strategic inspection plan. In this respect, the Committee notes with *interest* the Government's indication that in March 2019, the strategic unit of the labour inspectorate became operational and began working on developing a modern strategic inspection plan. The Government indicates, in response to the Committee's previous request on the establishment of priorities, that priorities and objectives for inspections have been identified related to recurrent issues, particularly the prevention of falls from heights and the payment of wages.

The Committee notes the Government's statement that in 2018, 21,178 undertakings were inspected, with a total of 43,366 inspection visits (compared with 44,550 inspections conducted in 2016). This included 19,328 labour inspection visits, 22,736 OSH inspection visits, and 1,302 inspection visits on wage protection. The Committee also notes the information provided in response to its previous comments, that most inspections on labour and on OSH did not detect any violations, but that 100 per cent of the wage protection inspections disclosed violations. The inspection visits resulted in: 1,419 infringement reports; 6,548 warnings to remedy an infringement; 797 suspensions of transactions with the Ministry of Administrative Development, Labour and Social Affairs; and 3,524 cases where guidance was provided. The Government's report indicates that approximately 70 per cent of visits did not detect any violations (31,078 inspections, all in the labour and OSH areas). The Committee also notes the statement in the Assessment of the Qatar Labour Inspection System that at present, employers are sometimes given prior notice of inspections, either because the inspectors require more information on the location of the worksite, or to allow employers time to gather relevant documentation. The Assessment states that the practice of informing employers of imminent visits must cease, as the effectiveness of an investigation frequently depends on the unpredictability of the visit. *Noting once again that most OSH and labour inspection visits did not detect any violations but that all wage protection visits did, the Committee requests the Government to provide information on the most frequent categories of violation in the area of wage protection. It also requests the Government to continue to provide information on the activities of the strategic unit, including the finalization of the modern strategic inspection plan and its implementation, as well as progress achieved with respect to the priorities and objectives established, including particularly on wages. Recalling that labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice any workplace liable to inspection in accordance with Article 12, it requests the Government to continue to provide information on the total number of inspections undertaken, as well as on the outcome of these visits, and to specifically indicate the number of these inspections that were unannounced and those that were undertaken with prior notice.*

*Articles 5(a), 17, 18 and 21(e). Effective cooperation between the labour inspectorate and the justice system, legal proceedings and effective enforcement of adequate penalties.* The Committee previously noted that labour inspectors, upon detecting non-compliance, draw up infringement reports which are then referred to the courts for further action. It noted that the outcome of most inspections was no further action. It also noted that the technical cooperation programme included a review of relevant legislation in order to strengthen the enforcement powers of labour inspectors.

In this respect, the Committee welcomes the Government's indication that plans are under way, in the context of the ongoing technical cooperation, to strengthen enforcement mechanisms and to provide labour inspectors with enhanced enforcement powers. The Government states that labour inspectors will be provided with clear guidance to follow, including the identification of situations requiring immediate action, such as the suspension of activities or the adoption of other stringent enforcement measures to address non-compliance. The Committee also notes that the number of infringement reports referred to courts continued to rise (from 676 in 2015 to 1,142 in 2016 and to 1,419 in 2018). It once again observes that no information on the outcome of these cases has been provided, but notes the Government's statement, in reply to the Committee's previous request, that work is under way to provide these statistics. The Committee further notes the statement in the Assessment of the Qatar Labour Inspection System that the Labour Inspection Department does not have readily available information on penalties, fines or imprisonment imposed by the judiciary and that inspectors had expressed frustration with the judiciary's failure to inform them of the outcome after their referral of a company for court proceedings. In this respect, it notes with *interest* the Government's reference to a Memorandum of Understanding between the Ministry of Administrative Development, Labour and Social Affairs and the Supreme Judicial Council, which aims to establish electronic information sharing on the cases referred to courts, the judgments handed down, and relevant appeals. *The Committee urges the Government to pursue its efforts, in the context of the ongoing technical cooperation programme, to strengthen the effectiveness of enforcement mechanisms, including measures to provide enhanced enforcement powers to labour inspectors. It requests the Government to continue to provide specific*

*information on the measures taken to promote effective collaboration between the labour inspectorate and the judicial system, including the implementation of the Memorandum of Understanding. It once again urges the Government to provide information on the outcome of cases referred to the judiciary by labour inspectors through infringement reports, including the penalties imposed and fines collected by virtue of the Labour Law and the legal provisions to which they relate.*

*Articles 5(a), 9 and 13. Labour inspection in the area of OSH.* The Committee previously noted that, pursuant to section 100 of the Labour Law, inspectors have the authority to prepare an urgent report, to be referred to the Minister, if they detect an imminent danger in the workplace. These reports will result in the Minister issuing a decision of partial or total closure until the hazard is removed. It requested information on the number of such reports issued, as well as on the number of occupational accidents, including fatal occupational accidents, and the occupation or sector concerned.

The Committee notes the information provided by the Government in response to its previous request that, in 2018, 22,736 OSH inspections were undertaken (compared with 14,526 such visits in 2016). It notes the information provided on a number of measures taken by the labour inspectorate related to improving OSH, including: (i) the involvement of the labour inspectorate in the development of a national OSH policy, which will cover data analysis and collection; (ii) preventative activities undertaken by the OSH Department of the labour inspectorate to address heat stress, including targeted inspections on hours of work during the summer; (iii) awareness-raising workshops and an OSH conference to celebrate national OSH day; and (iv) further training for inspectors on OSH issues. The Government indicates that the construction sector remains a priority, and that in the context of the Memorandum of Understanding with Building and Wood Workers' International (BWI), 13 joint inspections were carried out. The Committee notes with *concern* the Government's indication that the number of fatal occupational accidents continued to increase, from 117 in 2017 to 123 in 2018, and it observes that the statistics provided on accidents are not disaggregated by occupation or sector. It also notes an absence of information on the implementation in practice of closure decisions pursuant to section 100 of the Labour Law, and notes the information in the Assessment of the Qatar Labour Inspection System that the approval process from the Minister to halt activities usually takes two to three days. *The Committee urges the Government to take immediate measures to address the increase in the number of fatal occupational accidents, including further measures to strengthen the capacity of labour inspectors with respect to the monitoring of OSH, particularly in the construction sector. The Committee requests the Government to continue to provide information on the number of occupational accidents, including fatal occupational accidents, and to ensure that this information is disaggregated by occupation or sector. It also requests the Government to continue to provide information on the number and type of OSH inspection visits undertaken, the number of violations detected, the number of infringement reports issued and, in particular, the information previously requested concerning the follow-up given by the judicial authorities to such infringement reports. It further requests the Government to continue to provide information on the joint inspections undertaken with the BWI, including the modalities of these inspections and how the targets of these inspections are selected. Lastly, the Committee once again requests the Government to provide information on the implementation in practice by labour inspectors of the power to make orders requiring measures with immediate executory force in the event of imminent danger to the health or safety of the workers, indicating the number of urgent reports and closure decisions issued under section 100 of the Labour Law, disaggregated by occupation and sector.*

*Articles 7 and 10. Recruitment and training of labour inspectors and the effective discharge of their duties.* The Committee takes due note that one of the focuses of the labour inspection policy is the establishment of a learning and development framework for labour inspectors. In this regard, the Committee notes with *interest* the detailed information provided by the Government on the development of a four-year strategic training plan 2019–22 by the labour inspectorate's strategic unit, which includes three training tracks. It also notes the information provided for 2018 on the number of study visits and training courses, their content, and the number of participants. The Committee further notes the Government's indication that, as part of the 2020 training plan, it will strengthen the capacity of inspectors in the preparation and writing of reports, and concerning the issuance of infringement reports. In addition, it notes the Government's indication, in response to the Committee's previous request on recruitment, that it plans to develop specific standards, qualifications and requirements for newly recruited inspectors, and that new inspectors will follow a specialized introductory training track. Lastly, the Committee notes the information in the Government's report that there are 12 interpreters who work with inspectors. It notes in this respect the statement in the Assessment of the Qatar Labour Inspection System that the number of interpreters working with the inspectorate should be increased. *The Committee requests the Government to continue to pursue its efforts to ensure that inspectors receive adequate training for the performance of their duties. In this respect, it requests the Government to provide information on the implementation of the strategic training plan 2019–22, specifying the number of labour inspectors that received training, the duration of such training and the subjects covered. It requests the Government to continue to provide information on its planned development of standards for the recruitment of inspectors, as well as the introductory training provided to new inspectors. The Committee further requests the Government to continue to provide information on measures taken to ensure the recruitment of labour inspectors and interpreters able to speak the languages of migrant workers.*

The Committee is raising other matters in a request addressed directly to the Government.

## C105 - Abolition of Forced Labour Convention, 1957 (No. 105)

### Observation 2019

*Article 1(a) of the Convention. Penalties involving compulsory labour as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system.* In its previous comments, the Committee noted that sentences of imprisonment (involving compulsory labour, by virtue of section 62 of the Penal Code and sections 6 and 7 of Decree No. 11 of 2012 on penitentiaries and reformatories) may be imposed under certain provisions of the national legislation in circumstances which are covered by *Article 1(a)* of the Convention, namely:

--section 115 of the Penal Code, which prohibits the dissemination of information or false statements on the country's domestic situation which damage the economy, the prestige of the State or national interests;

--section 134 of the Penal Code, which prohibits any open criticism or defamation of the Prince or his heir;

--sections 35 and 43 of Act No. 12 of 2004 concerning associations, which prohibit the creation of political associations and provide for a sentence of imprisonment of between one month and one year for any person who carries out an activity contrary to the purpose for which an association was created;

--section 46 of Act No. 8 of 1979 on publications, which prohibits any criticism of the Prince or his heir, and section 47 of the same Act, which prohibits the publication of any defamatory documents on the president of an Arab or Muslim country or a friendly country, as well as documents prejudicial to the national currency or raising confusion concerning the economic situation of the country; and

--sections 15 and 17 of Act No. 18 of 2004 on public meetings and demonstrations, which prohibit public assembly without prior authorization.

The Committee requested the Government to take the necessary measures to bring the above-mentioned provisions into conformity with the Convention.

The Committee notes the Government's indication in its report that, the amendment of sections 115 and 134 of the Penal Code is still under consideration and examination, and that the above-mentioned provisions of Act No. 12 of 2004, Act No. 18 of 2004 and Act No. 8 of 1979 will be considered and examined in order to bring them into conformity with the Convention.

## Qatar

The Committee recalls once again that *Article 1(a)* prohibits the use of forced or compulsory labour, including compulsory prison labour, as a punishment for holding or expressing political views. The range of activities which must be protected, under this provision, from punishment involving forced or compulsory labour thus comprises the freedom to express political or ideological views (which may be exercised orally or through the press and other communications media), as well as various other generally recognized rights, such as the right of association and of assembly, through which citizens seek to secure the dissemination and acceptance of their views and which may also be affected by measures of political coercion (2012 General Survey on the fundamental Conventions, paragraph 302). *The Committee therefore requests the Government to take the necessary measures to amend the above-mentioned provisions either by repealing them, by limiting their scope to acts of violence or incitement to violence, or by replacing sanctions involving compulsory prison labour with other kinds of sanctions (e.g. fines), in order to ensure that no form of compulsory labour, including compulsory prison labour may be imposed on persons who, without using or advocating violence, express certain political views or opposition to the established political, social or economic system. The Committee also requests the Government to provide information on the progress made in this regard. Pending the adoption of such measures, the Committee requests the Government to provide information on the application in practice of the above-mentioned provisions, including copies of relevant court decisions.*

## C029 - Forced Labour Convention, 1930 (No. 29)

*Observation 2019*

*Articles 1(1) and 2(1) of the Convention. Vulnerable situation of migrant workers to conditions of forced labour. 1. Migrant workers.* The Committee previously noted the observations of the International Trade Union Confederation (ITUC) that many migrant workers in the construction industry were subject to forced labour practices such as delayed payment of wages, passport confiscation and contract substitution. The Committee requested the Government to take the necessary measures to enable migrant workers to approach the competent authorities and seek redress; provide statistical information on the number of violations of the working conditions of migrant workers, and to indicate the penalties applied for such violations. It also requested the Government to indicate the measures taken to ensure that migrant workers who are victims of abuse receive appropriate assistance.

The Committee notes the Government's reference in its report to a number of implementing Regulations of the Labour Code that cover all workers, whether national or foreign workers. These include Regulation No. 70273 of 20 December 2018, which provides that the employer shall not retain the passport, residence permit or medical insurance card of a non-Saudi Arabian worker (section 6). Moreover, Decision No. 178743 of 31 May 2019, provides that an employer who forces a worker to work shall be liable to a fine of 15,000 Saudi riyals (SAR) (US\$4,000) for each worker concerned. An employer who retains the passport, residence permit or health insurance card of a worker and members of his family shall be liable to a fine of SAR5,000 (US\$1,300) for each worker concerned. Lastly, Decision No. 156309 of 24 April 2019 on the Contract Registration Programme enables employers to access and update information on the employment contracts of private sector workers. This programme also allows workers to check the data in their contracts via the online services of the Social Insurance institution, which requires establishments to implement Decision No. 156309 in accordance with a specific schedule determined by the size of the establishment. Regarding the measures taken to enable migrant workers to approach the competent authorities, the Government also indicates that the Ministry of Labour set-up a hotline for labour issues, launched a labour advisory service, and established departments for the amicable settlement of labour disputes in labour offices to receive complaints as a procedure prior to filing a labour claim. The hotline responded to 1,601,258 communications in 2018. According to the Government, the Public Security agencies are the bodies in charge of receiving complaints and reports of offences. Moreover, the Public Prosecutor is competent to investigate offences and to decide whether to institute proceedings or close a case in accordance with the regulations and to bring prosecutions before the judicial authorities in accordance with the regulations, within the scope of its competence. The Government also refers to a number of regulatory adjustments, including the insertion of new sections Nos 234 and 235 to the Labour Code providing for the expeditious of labour dispute settlement procedures. The Committee notes that the number of violations recorded during the first quarter of 2019 was 85,538 cases, including 12,585 cases of failure by the employer to provide healthcare and treatment; 4,625 cases of workers being employed without a written employment contract; and 812 cases of absence of wage payment. For cases of non-payment of wages a fine was applied ranging from SAR10,000 to SAR5,000 (US\$2,600–1,300). The Government finally states that 12 shelters have been established, providing psychological, legal and labour-related services to beneficiaries, staffed by 120 employees including expert psychologists. With regard to medical services, public sector workers benefit from services under the mandatory health insurance system. ***The Committee urges the Government to continue to strengthen its legal and institutional framework to ensure that, in practice, migrant workers are not exposed to practices that might increase their vulnerability to practices amounting to forced labour, including passport retention and non-payment of wages. The Committee also requests the Government to strengthen the capacity of the labour inspectors and law enforcement bodies to allow better identification and monitoring of the working conditions of migrant workers, and to ensure that penalties are effectively applied for any violations detected. It further requests the Government to continue to provide statistical information on the number and nature of violations of the working conditions of migrant workers that have been recently detected and registered by the labour inspectors, and to indicate the penalties applied for such violations. Lastly, the Committee requests the Government to continue providing information on the measures taken to ensure that migrant workers who are victims of abuse receive psychological, social, medical and legal assistance as well as the number of persons benefiting from this assistance.***

*2. Migrant domestic workers.* The Committee previously noted the ITUC's observations that, although covered by Ministerial Decision No. 310 of 2013, migrant domestic workers do not enjoy the same rights as other workers in Saudi Arabia. For example, daily working time is 15 hours under the Regulation, whereas working time for other workers is limited to eight hours per day. The Committee urged the Government to take the necessary measures, in law and in practice, to ensure that migrant domestic workers are fully protected from abusive practices and conditions that amount to the exaction of forced labour.

The Committee notes the Government's indication that Ministerial Decision No. 61842 of 2017 on the Unified Employment Contract, requires the employer: (i) to issue a salary slip for domestic workers and persons of similar status for every domestic worker through the banks offering this service; (ii) to register the employment contract of domestic workers and persons of similar status electronically through *Musaned*, the platform for domestic workers. Moreover, two domestic labour dispute settlement committees have been established in the Riyadh shelter to provide legal and labour-related services. In 2018, the committees for the settlement of domestic workers' disputes completed 21,409 cases (labour cases) filed by domestic workers and 439 domestic workers were transferred to the shelter in Riyadh. With regard to medical services, the Government further states that domestic workers are treated free of charge in public hospitals.

The Committee further notes that in its 2018 concluding observations the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed its concern about the situation of migrant domestic workers who continue to be subjected to economic and physical abuse and exploitation, the confiscation of passports by employers and the de facto persistence of the *kafala* system, which further increases their risk of exploitation and makes it difficult for them to change employers, even in cases of abuse (CEDAW/C/SAU/CO/3–4, paragraph 37). ***The Committee urges the Government to strengthen the measures taken above to ensure that in practice, migrant domestic workers can approach the competent authorities and seek redress in the event of a violation of their rights or abuses, without fear of retaliation. In this regard, please provide statistical information on the number of migrant domestic workers who had recourse to complaints mechanisms and the results achieved. Lastly, the Committee requests the Government to provide statistical information on the number of migrant domestic workers who have received assistance in the case of abusive working conditions.***

*3. Sponsorship system (kafala).* The Committee previously noted the ITUC's observations that migrant workers have to obtain permission from their employers/sponsors to transfer employer as well as an exit visa to leave the country. The Committee requested the Government to provide information on the conditions and the length of the procedure for changing an employer, and to provide statistical information on the number of transfers that have occurred recently.

The Committee notes once again the Government's indication that Chapter 3 of the Labour Code specifies the circumstances in which the employment contract may be terminated and the conditions relating to periods of notice and compensation in the event that one of the parties wishes to terminate the contract. It also specifies the circumstances under which workers are entitled to leave their jobs without notice while retaining their full statutory rights. Section 14 of the implementing regulations of the Labour Code promulgated in Ministerial Decision No. 70273 of 20 December 2018, provide that migrant workers may terminate the contract with the employer and work for another employer. In addition, migrant workers may terminate the contract on condition that the workers give the employer 60 days' notice in advance of the expiration date that they do not wish to renew the contract and, also, to state whether they wish to remain in the country and transfer to another employer or leave the country definitively. All services relating to a change of employer are carried out electronically. With regard to migrant domestic workers, the Committee notes that they are covered by Regulation No. 310 of 2014 and the Standard Employment Contract. Migrant domestic workers may terminate the employment contract by giving a written notice of 30 days. Moreover, under Ministerial Decision No. 605 of 12 February 2017, on the procedures for the transfer of migrant domestic workers, migrant domestic workers may transfer to a new employer without the employer's consent

for a number of reasons, including for non-payment of wages for three consecutive or isolated months. Lastly, the Committee notes the Government's indication that the entry and exit of non-nationals to and from Saudi Arabia is governed by the Residence Act and the procedures contained therein.

While noting that Ministerial Decision No. 70273 of 20 December 2018 and Ministerial Decision No. 605 of 12 February 2017 allow migrant workers and migrant domestic workers respectively to transfer employer provided a notice period is given, nevertheless the Committee observes that both are obliged to obtain permission from the employer/sponsor to leave the country (pursuant to Saudi Arabian Residence Regulations, Law No. 17/2/25/1337 of June 1959). The Committee recalls that by restricting the possibility for migrant workers to leave the country, victims of abusive practices are prevented from freeing themselves from such situations. *The Committee requests the Government to indicate the manner in which migrant workers can leave the country if they have not obtained the exit visa issued by the employer/sponsor, indicating the criteria on the grounds for which the employer may object to a worker's departure from the country. The Committee also requests the Government to provide statistical information on the number of employee departures from the country without an exit visa. The Committee further requests the Government to provide information on the conditions and the length of the procedure for changing an employer under the sponsorship system, and to provide statistical information on the number of transfers that have occurred since the entry into force of Ministerial Decisions Nos 70273 and 605.*

The Committee is raising other matters in a request addressed directly to the Government.

## C081 - Labour Inspection Convention, 1947 (No. 81)

### Observation 2019

*Articles 3(1) and (2) of the Convention. Functions of labour inspectors. 1. Additional functions of labour inspectors concerning migrant workers.* The Committee previously noted that most labour inspection visits aimed at verifying the legality of the employment status of migrant workers. It subsequently noted a regularization campaign concerning undocumented migrant workers which enabled some workers to regulate their residence situation without being penalized under immigration law. However, noting an absence of information, the Committee reiterated its request to provide detailed information on the time and resources of the labour inspectorate spent on activities in the area of verifying the legality of employment compared with activities spent on securing the enforcement of legal provisions relating to conditions of work and the protection of workers.

The Committee notes the Government's indication in its report that the Ministry of Labour and Social Development (MoLSD) monitors compliance with the Labour Law regardless of whether workers are nationals or non-nationals, or whether they are in a regular or irregular situation. The Government indicates that, pursuant to section 196 of the Labour Law, the primary role of labour inspectors is to monitor the implementation of the Labour Law and to provide employers and workers with information and technical guidance. In this respect, the Committee notes that work permits for migrant workers are governed by the Labour Law (sections 32-41). It also notes the Government's indication that in the first quarter of 2019, 1,269 infringements were detected relating to employers employing non-nationals without a work permit from the MoLSD (section 33 of the Labour Law), which resulted in a fine of 20,000 Saudi riyals (SAR) for the employer per worker employed. The Committee recalls that, pursuant to *Article 3(1) and (2)* of Convention No. 81, the functions of the system of labour inspection shall be to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, and any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties. *The Committee urges the Government to take specific measures to ensure that the functions assigned to labour inspectors do not interfere with the main objective of labour inspectors, in accordance with Article 3(1), to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work. It requests the Government to provide detailed information on the time and resources of the labour inspectorate spent on activities verifying the legality of employment compared with activities spent on securing the enforcement of legal provisions relating to conditions of work and the protection of workers. The Committee also requests the Government to indicate the measures taken to ensure that migrant workers who are found to be in an irregular situation, pursuant to section 33 of the Labour Law, are granted their due rights, such as the payment of outstanding wages or access to proper employment contracts.*

*2. Protection of the rights of migrant workers, including in relation to the payment of wages and compensation for workplace injuries.* In its previous comments, the Committee welcomed the Government's indication that it guarantees the payment of outstanding entitlements for migrant workers in an irregular situation before their return to their country of origin, and asked for relevant statistics in this regard. The Committee also requested the Government to indicate how labour inspectors assist migrant workers in the event of the violation of their rights, including with respect to matters related to abuse, discrimination, passport confiscation and contract substitution.

The Committee notes the Government's indication in its reply that, at the end of December 2018, the compliance rate of the wage protection system reached 75 per cent, involving more than 4.3 million workers and, in addition, the department of wage settlement had so far recovered approximately SAR143,664,126 in wage arrears for 3,960 workers. Concerning the role of labour inspectors in assisting migrant workers in the event of violation of their rights, the Committee notes the Government's reference in its report that, pursuant to section 6 of the Implementing Regulations of the Labour Law No. 70273 of 2018, an employer is prohibited from retaining the passport, residence permit or medical insurance card of a non-Saudi Arabian worker. The Government states that the occurrence of violations of section 6 is limited: in the first quarter of 2019, a total of 143 violations were detected involving employers who retained passports, residence permits or medical insurance cards, which resulted in the imposition of fines amounting to SAR5,000 (US\$1,300) for each worker concerned. The Committee also notes that for these violations, infringement reports are prepared in order to verify that there are no other indications pointing to the existence of the crime of trafficking in persons. *The Committee requests the Government to provide statistical information on the number of inspections, violations, warnings and other enforcement measures taken, and penalties imposed, disaggregated by nationals and non-nationals, classified by the legal provisions to which they relate, including section 6 of the Implementing Regulations of the Labour Law No. 70273 of 2018 and the new Anti-Harassment Act. The Committee also once again requests the Government to provide statistical information on the payment of outstanding entitlements to migrant workers (including compensation for workplace injuries or the payment of wages) before their return to their country of origin.*

*Articles 3, 7, 10, 11 and 16. Number of labour inspectors and inspection visits. Material means available to the labour inspection services.* The Committee welcomes the information provided by the Government, in reply to its previous request, that there has been an increase in the number of labour inspectors, from 548 in 2017 to 880 in 2018 (of which 131 were women). In addition, more than 570 vehicles, 500 tablets, and 940 data SIMs were acquired to support inspection visits. The Committee also notes that the total number of inspection visits in 2018 reached 388,788, up from 148,312 in 2015, and these inspections detected 85,538 violations. Moreover, the Committee notes the Government's initiative to improve the quality of inspection procedures, using technology and applications, such as an electronic platform that allows individuals to report on violations related to the labour market and an online self-assessment system containing tools to help enterprises understand labour standards and regulations with a view to facilitating voluntary compliance and ensuring timely payment of wages. *The Committee requests the Government to continue to provide information on the manner in which it ensures that workplaces are inspected as thoroughly as is necessary to ensure the effective application of the relevant legal provisions. Noting the number of recently hired inspectors, the Committee requests that the Government continue to take steps to ensure that new inspectors are adequately trained for the performance of their duties, and provide information on the ongoing training of labour inspectors (including on the number of labour inspectors that received training and the subjects covered). The Committee also requests the Government to provide further information on the connection between the self-assessment system and the labour inspectorate, indicating whether information from this system is submitted to the labour inspectorate.*

*Articles 5(a), 17 and 18. Effective cooperation between the labour inspectorate and the justice system, legal proceedings and effective enforcement of adequate penalties.* The Committee previously requested the Government to provide detailed information on the number of violations detected and their outcome, including infringement reports issued, referrals to the judicial authorities, and the penalties imposed. Noting the ILO assessment undertaken indicating that the courts reject most of the infringement reports, the Committee also asked for information on any difficulties encountered in the enforcement of penalties for the violations detected. The Committee notes the Government's indication in its reply that it is up to the discretion of labour inspectors to issue advice or guidance, verbal or written warnings or prepare infringement reports. It also notes that, in the first quarter of 2019, labour inspectors issued 22,738 warnings. The Committee further notes the Government's indication that the inspection bodies do not encounter any difficulties in enforcement action for the violations detected. It also notes the Government's indication that 560 violations were detected related to an employer's failure to facilitate the tasks of the Ministry's inspectors or staff of the competent authority, for failure to collaborate with them so as to implement the provisions of the Labour Law. ***The Committee urges the Government to provide information on the number of infringement reports issued and referrals to the judicial authorities, as well as the outcome of cases referred. It further asks the Government to indicate the measures taken to promote effective cooperation between the labour inspection services and the judicial system. Lastly, it requests the Government to provide further information on the measures to ensure the effective enforcement of adequate penalties for obstructing labour inspectors in the performance of their duties, in accordance with Article 18 of the Convention.***

The Committee is raising other matters in a request addressed directly to the Government.

## C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

### Observation 2019

*Article 1(1) of the Convention. Prohibited grounds of discrimination. Legislative developments.* The Committee notes with **interest** that the amendment of Article 3 of the Labour Law by the Decision of the Council of Minister of 31 July 2019 extended the list of prohibited grounds of discrimination (i.e. "sex, disability and age") to include "any other form of discrimination" in recruitment, including job advertisement, and in the course of employment. ***Welcoming this development, the Committee asks the Government to take the necessary measures to raise awareness among workers, employers, workers' and employers' organizations and enforcement officials of the new anti-discrimination provisions in the Labour Law. Recalling that, where legal provisions are adopted to give effect to the principle of the Convention, they should include at least all the grounds of discrimination specified in Article 1(1)(a) of the Convention, the Committee invites the Government to consider the possibility of including in Article 3 of the Labour Law, which refers to "any other form of discrimination", an explicit reference to all the grounds other than sex set out in the Convention (i.e. race, colour, religion, national extraction, political opinion and social origin) to avoid any possible legal discrepancies in future legal interpretations. The Government is also asked to provide information on the number and nature of cases detected or cases dealt with by labour inspectors on the basis of Article 3 of the Labour Law. In addition, observing that the prohibition of discrimination in Article 3 seems to apply only to "citizens", and recalling that the Convention applies to all workers (nationals and non-nationals), the Committee asks the Government to clarify whether this is the case and, if so, to extend the non-discrimination provision of Article 3 to non-citizens in order to cover migrant workers.***

*Article 1(1)(a). Discrimination based on sex. Sexual harassment.* The Committee recalls that, in its previous comment, it requested the Government to provide to information on: (i) any follow-up to the recommendations submitted by the Tripartite Social Dialogue Forum with regard to addressing the issue of sexual harassment and on the regulations being prepared with the Advisory Council for Women's Work; and (ii) any developments regarding the adoption of the draft regulation penalizing crimes against men and women employees and its content. The Committee welcomes the approval, by the Council of Ministers Decision No. 488 of 29 May 2018, of the Anti-Harassment Act, which is aimed at preventing and combating sexual harassment against both men and women, punishing perpetrators and protecting victims. The Act criminalizes sexual harassment, which is defined as "any utterance, act or gesture with sexual connotations by one person to any other person that would harm his or her body, honour or modesty, by any means, including through the use of modern technology". This applies to workplaces in both the private and public sectors and requires employers in both sectors to take the necessary measures to prevent and combat harassment, such as by the establishment of internal complaint mechanisms and procedures to ascertain the veracity and seriousness of the complaints in such a manner as to maintain confidentiality. The Committee welcomes the entry into force on 20 October 2019 of the Order implementing the Anti-Harassment Act in private enterprises covered by the Labour Law, which was adopted pursuant to Article 5 of the Act. ***While welcoming this development, the Committee asks the Government to take steps to ensure that the competent authorities and the private sector put in place the necessary measures to prevent and combat sexual harassment in the working environment, pursuant to Article 5 of the Anti-Harassment Act, and its implementing Order, and raise awareness among workers, employers and their organizations as well as public administration employees and enforcement officers on the provisions of this new Act and its implementing Order. The Committee asks the Government to take the necessary steps to ensure that the definition of sexual harassment in the Act covers both quid pro quo and hostile work environment harassment and that victims have access to appropriate remedies. The Committee asks the Government to confirm that the Act applies to all categories of workers and to all sectors of the economy. It also asks the Government to provide detailed information on the implementation in practice by employers in both the private and public sectors of the provisions of the Act with respect to employment and occupation, in particular regarding the reporting of sexual harassment and the burden of proof. The Committee asks the Government to provide information on any cases of sexual harassment detected by or reported to labour inspectors under the new Act and their outcome. Noting that the Government refers in its report to a Guide on Workplace Ethics, the Committee asks the Government to provide a copy of the guide.***

*Discrimination against migrant workers.* The Committee notes that, according to "Labour Market 2018 Third Quarter Statistics" published by the General Authority for Statistics, non-Saudi workers represent 75.5 per cent of the total number of employed persons. The Committee notes that the Government reiterates in its report that it has already taken the decision to abolish the sponsorship system and that certain terms have been changed for this purpose (for example the term "transfer of sponsorship" has been replaced by "transfer of services"). It further notes that the Government provides information regarding the specific circumstances in which migrant workers can change their place of work and can work for a new employer under the Labour Law and Ministerial Decision No. 1982 of 6 April 2016. In this regard, the Committee refers the Government to its observation under the Forced Labour Convention, 1930 (No. 29), regarding the adoption of Ministerial Decision No. 70273 of 20 December 2018 and Ministerial Decision No. 605 of 12 February 2017 allowing migrant workers, including migrant domestic workers, to change employer, provided notice is given. It notes however that these workers are obliged to obtain permission from the employer or sponsor to leave the country. The Committee also notes that the Government adds that booklets are distributed to "labour-exporting" countries to workers to make them aware of their rights, an instructional video is shown on flights from labour-exporting countries and new workers are provided with SIM cards at no cost on arrival at the airport. The Government refers once again to the website (Labour Education) dedicated to explaining the rights and obligations of workers and employers. The site offers a number of services, including a "labour advice" service. The Government states that employment queries are dealt with immediately and complainants directed to the proper body responsible for dealing with their problems. The Government further indicates that it accords particular importance to the amicable settlement of disputes. The Committee notes that, in its concluding observations, the United Nations Committee for the Elimination of Racial Discrimination (CERD) recommends that Saudi Arabia ensure that all existing provisions adopted to protect migrant workers from abuse and exploitation are enforced effectively and that inspections are conducted by qualified officials in an effective manner to identify and end abusive labour

practices. The CERD also recommends that the Government ensure that migrant workers have full access to complaint mechanisms and appropriate remedies. It expresses concern at reports that persons of Asian and African descent face discrimination in access to housing, education, healthcare and employment, as well as societal racism, and that women from minority groups face multiple forms of discrimination on the basis of both ethnic origin and gender (CERD/C/SAU/CO/4-9, 8 June 2018, paragraphs 18, 25 and 27). The Committee wishes to point out that, under the Convention, all migrant workers, including those in irregular situations, must be protected from discrimination in employment on the basis of the grounds set out in *Article 1(1)(a)* of the Convention (see the 2012 General Survey on the fundamental Conventions, paragraph 778). *The Committee urges the Government to continue taking steps to ensure that all migrant workers, including women migrant workers, enjoy effective protection against discrimination on the grounds set out in the Convention (race, colour, sex, religion, political opinion, social origin and national extraction), including effective access to dispute settlement mechanisms and the right to change employer in the case of abuse. The Committee also asks the Government to continue taking active measures to increase the effective enforcement of existing legislation and to carry out awareness-raising activities concerning the respective rights and duties of migrant workers and employers. The Committee asks the Government to continue providing information, disaggregated by sex, race and national extraction, on the number of complaints lodged by migrant workers, and on the number of complaints or cases that have been brought before the courts and the remedies granted to victims.*

*Article 2. National equality policy.* The Committee recalls that, in its previous comments, it urged the Government to take steps to develop and implement a national equality policy. It added that the policy should include specific legislative measures to define and prohibit direct and indirect discrimination, covering all workers and all aspects of employment on all the grounds enumerated by the Convention, and ensuring effective means of redress, noting that the existing Labour Law (Royal Decree No. M/51) did not include such provisions. The Committee notes the Government's statement in its report that it is continuing to make significant progress towards the adoption of a national policy promoting equality of opportunity and treatment in employment and occupation in order to eliminate discrimination and that a working group has been set up for that purpose. The Government also indicates that, further to its request, the ILO has provided support for the drafting of the equality policy, including comments on the relevant legislation and examples of good practice. A number of meetings have been held since 2017, including with the ILO, to identify and collect documents and information on discrimination issues. In this context, the Committee notes with *interest* the signature in June 2018 of an Agreement between the Government and the ILO "to support the Ministry of Labour and Social Development (MOLSD) in analysis, policy and capacity development". The project has three components, one of which is dedicated to "boosting women's employment towards a more inclusive labour market" and provides for the conduct of a technical study on the situation of women, along with vulnerable groups identified by the MOLSD. It also provides for the review of the national legal framework related to equality in employment and occupation, taking into consideration the grounds set out in the Convention, with a view to identifying the strengths and gaps in the existing legislation. Furthermore, the project aims to develop a national policy on equality through a tripartite-plus process and to develop an implementation plan with recommendations to amend, as necessary, the legal and policy framework. A National Steering Committee is to be established for that purpose. The Committee notes that the national equality policy is currently being drafted. *Taking into account these significant developments, the Committee expresses the firm hope that the Government will soon be in a position to finalize and implement, in consultation with the relevant stakeholders, the national equality policy, and that it will cover all categories of workers in all sectors of the economy with a view to eliminating any form of discrimination based on at least all of the grounds set out in the Convention (sex, gender, race, colour, religion, political opinion, social origin and national extraction) and any other grounds it considers appropriate. In the context of this national policy, the Committee urges the Government to pursue and step up its efforts to review and amend the relevant labour legislation with a view to including specific provisions defining and prohibiting direct and indirect discrimination in all aspects of employment and occupation, including recruitment and dismissal, in accordance with the Convention, and providing for effective sanctions and means of redress.*

*Promoting women's employment.* The Committee notes the Government's indication in its report that the goals of Saudi Vision 2030 include "increasing the participation of women in the labour market from 22 per cent to 28 per cent in 2020 and 30 per cent by 2030". As part of this strategy, the MOLSD has developed a number of programmes and initiatives to promote and increase job opportunities for Saudi women in various sectors, such as the communications sector. In this regard, the Committee welcomes the detailed information provided by the Government on the training programmes carried out to train men and women in a number of occupations required by the labour market, including the ILEAD Programme for women (access to leadership positions), and the results achieved with respect to women. The Committee also welcomes the adoption of the Royal Decree of 26 September 2017, which allows the issuance of driving licences to women, thereby removing a genuine obstacle to their employment. Referring to the above-mentioned cooperation agreement with the ILO, the Committee notes that this agreement aims to promote women's employment in a more inclusive labour market. The Committee also notes that the Unified Regulation of the Women's Work Environment Initiative, adopted in January 2019, was repealed and replaced by a Ministerial Order of August 2019 on women's employment.

In order to promote gender equality in employment and occupation, the Committee emphasizes the need to adopt measures and put in place facilities to enable workers with family responsibilities, in particular women, who continue to bear the unequal burden of family responsibilities, to reconcile work and family responsibilities. In this respect, the Committee notes the Government's indication that the Ministry of Education is implementing a policy on the establishment of childcare facilities. It notes in particular that an initiative to develop the number and quality of childcare facilities and services across the whole country, as part of Saudi Vision 2030, is seeking to open and operate 1,500 crèches and nursery schools. In 2016, there were 922 crèches for children aged one month to 3 years. In this regard, the Committee notes that, in its concluding observations, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expresses concern at the insufficient measures adopted to promote the concept of shared family responsibilities and to combat the difficulties that women face in reconciling work and family responsibilities. It also notes the low participation rates of women, compared with those of men in the labour market, especially in the private sector; the significant discrepancy between women's and men's rates of unemployment; and the persistent horizontal and vertical occupational segregation and the concentration of women in low-paid jobs. It further notes the lack of enforcement of the 2012 Ministerial Decree providing that women no longer need the authorization of a guardian to work, as many employers still require the authorization of a male guardian to employ a woman (CEDAW/C/SAU/CO/3-4, 14 March 2018, paragraph 45). *Welcoming the initiatives and measures taken by the Government to increase training and job opportunities for women to enter the labour market, the Committee asks the Government to continue taking concrete steps to develop such opportunities in a wider range of occupations, including non-stereotypical jobs and decision-making positions, and to continue taking steps, such as the development of childcare facilities, to assist women to reconcile work and family responsibilities. Please provide information on the results achieved. Noting that, in addition to the specific measures to promote training and employment for women, the implementation of the Saudization Policy will provide further opportunities for Saudi women to access employment, the Committee asks the Government to specify whether all sectors targeted by this policy are open to women and to envisage analysing the impact of such a policy on women's employment. It also asks the Government to provide information on the steps taken to ensure that the 2012 Ministerial Decree providing that women no longer need the authorization of a guardian to work is enforced and that women are free to take up employment without the authorization of a male guardian. Please provide information on any cases brought in relation to the failure to comply with the Order and their outcome. The Committee asks the Government to provide detailed information on the rights of women and any remaining restrictions with respect to their employment, including on the effect given in practice to the new Ministerial Order.*

The Committee is raising other matters in a request addressed directly to the Government.

## C138 - Minimum Age Convention, 1973 (No. 138)

### *Observation 2019*

*Article 2(3) of the Convention. Age of completion of compulsory schooling.* The Committee previously noted that section 162 of the Labour Law and section 34 of its implementing regulation establish that the minimum age for admission to employment or work is 15 years. However, noting that children entered school at the age of 6 and completed the compulsory education at the age of 12, the Committee requested the Government to take the necessary measures to ensure compulsory education up to the minimum age for admission to employment or work of 15 years.

The Committee notes with *satisfaction* the adoption of Ministerial Decision No. 14 of 2014 which, read jointly with Ministerial Decision No. 139 of 2004, establishes the age of compulsory education up to 15 years, in line with the minimum age for admission to employment. The Committee also notes that according to the UNESCO Institute for Statistics the net enrolment rate in primary school reached 99.77 per cent in 2018 in comparison to 96.42 per cent in 2014. *The Committee requests the Government to provide information on the application in practice of Ministerial Decision No. 14 of 2014, including statistical information on the school enrolment and attendance rates in both primary and secondary education.*

The Committee is raising other points in a request addressed directly to the Government.

## C029 - Forced Labour Convention, 1930 (No. 29)

### Observation 2019

The Committee notes that the Government's report contains no reply to its previous comments. It is therefore bound to repeat its previous comments.

*Articles 1(1), 2(1) and 25 of the Convention. Situations of forced labour arising from the armed conflict. Trafficking and sexual slavery.* Following its previous comments, the Committee notes that according to the 2016 Report of the UN Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic to the Human Rights Council, credible information indicates that women and girls trapped in conflict areas under the control of the Islamic State in Iraq and the Levant (ISIL) face trafficking and sexual slavery. Some specific ethnic groups are particularly vulnerable, such as Yazidis and those from ethnic and religious communities targeted by the ISIL (A/HRC/32/35/Add.2, paragraph 65). The Committee also notes that, according to the 2017 Report of the UN Secretary-General on conflict-related sexual violence, thousands of Yazidi women and girls who were captured in Iraq in August 2014 and trafficked to the Syrian Arab Republic continue to be held in sexual slavery, while new reports have surfaced of additional women and children being forcibly transferred from Iraq to the Syrian Arab Republic since the start of military operations in Mosul (S/2017/249, paragraph 69).

The Committee notes the Government's indication in its report that, pursuant to the Prevention of Human Trafficking Act of 2010, a Department to Combat Trafficking in Persons was established. However, since the conflict has erupted, trafficking of persons and sexual slavery have increased because of the presence of terrorist groups in the country. The Committee must express its *deep concern* that, after almost six years of conflict, trafficking in persons and sexual slavery are practices that are still occurring on a large scale on the ground. *While acknowledging the complexity of the situation on the ground and the presence of armed groups and armed conflict in the country, the Committee once again urges the Government to take the necessary measures to put an immediate stop to these practices which constitute a serious violation of the Convention and to guarantee that the victims are fully protected from such abusive practices. The Committee recalls that it is crucial that appropriate criminal penalties are imposed on perpetrators so that recourse to trafficking or sexual slavery does not go unpunished. The Committee urges the Government to take immediate and effective measures in this respect, and to provide information on the results achieved.*

The Committee is raising other matters in a request addressed directly to the Government.

*The Committee hopes that the Government will make every effort to take the necessary action in the near future.*

## C100 - Equal Remuneration Convention, 1951 (No. 100)

### Observation 2019

The Committee notes the complexity of the situation prevailing on the ground and the armed conflict in the country.

*Articles 1 and 2 of the Convention. Legislative developments. Work of equal value.* The Committee previously noted that section 75(a) of the Labour Code of 2010 provides for the principle of equal remuneration for work of equal value as enshrined in the Convention. It notes however that section 75(b) defines "work of equal value" as "work that requires equal scientific qualifications and professional skills, as attested by a work experience certificate". The Committee points out that such a definition restricts the full application of the principle as set out in the Convention. The Committee recalls that the concept of "work for equal value" lies at the heart of the fundamental right of equal remuneration for men and women for work of equal value, and the promotion of equality. This concept is fundamental to tackling occupational sex segregation in the labour market, which exists in almost every country, as it permits a broad scope of comparison, including, but going beyond equal remuneration for "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, which is nevertheless of equal value. Moreover, the Committee recalls that the principle has been applied to compare the remuneration received by men and women engaged in different occupations, such as wardens in sheltered accommodation for the elderly (predominantly women) and security guards in office premises (predominantly men); or school meal supervisors (predominantly women) and garden and park supervisors (predominantly men) (2012 General Survey on Fundamental Conventions, paragraphs 673 and 675). *In light of the above, the Committee asks the Government to take the necessary measures to amend section 75(b) of the Labour Code in order to ensure equal remuneration for men and women not only in situations in which they perform the same work, but also in situations in which they carry out work which is different but nevertheless of equal value.*

The Committee is raising other points in a request addressed directly to the Government.

## C105 - Abolition of Forced Labour Convention, 1957 (No. 105)

### Observation 2019

The Committee notes that the Government's report contains no reply to its previous comments. It is therefore bound to repeat its previous comments.

*Article 1(a) of the Convention. Penal sanctions involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.* For a number of years, the Committee has been drawing the Government's attention to certain provisions under which penal sanctions involving compulsory prison labour, pursuant to sections 46 and 51 of the Penal Code (Act No. 148 of 1949), may be imposed in situations covered by the Convention, namely:

-- Penal Code: section 282 (insult of a foreign State); 287 (exaggerated news tending to harm the prestige of the State); 288 (participation in a political or social association of an international character without permission); and sections 335 and 336 (seditious assembly, and meetings liable to disturb public tranquility); and

-- the Press Act No. 156 of 1960: sections 15, 16 and 55 (publishing a newspaper for which an authorization has not been granted by the Council of Ministers).

The Committee also previously noted that the abovementioned provisions are enforceable with sanctions of imprisonment for a term of up to one year which involves an obligation to perform labour in prison.

The Committee notes the Government's indication in its report that the Press Act of 1960 had been repealed and replaced by the Media Act No. 108 of 2011, under which the penalty of imprisonment has been replaced by a fine. The Government also indicates that a draft Penal Code has been prepared and is in the process of being adopted. *The Committee expresses the firm hope that, during the process of the adoption of the new Penal Code, the Government will take all the necessary measures to ensure that persons who express political views or views opposed to the established political, social or economic system benefit from the protection afforded by the Convention and that, in any event, penal sanctions involving compulsory prison labour cannot be imposed on them.*

The Committee is raising other matters in a request addressed directly to the Government.

*The Committee hopes that the Government will make every effort to take the necessary action in the near future.*

## C138 - Minimum Age Convention, 1973 (No. 138)

### Observation 2019

The Committee notes that the Government's report contains no reply to its previous comments. It is therefore bound to repeat its previous comments.

*Application of the Convention in practice.* The Committee previously noted that the ongoing conflict in the Syrian Arab Republic has had an alarming impact on children. It noted that the number of children affected by armed conflict in the Syrian Arab Republic has more than doubled, going from 2.3 million to 5.5 million, and the number of children displaced inside the Syrian Arab Republic has exceeded 3 million.

The Committee takes note of the Government's information in its report on the provisions of national legislation that give effect to the provisions of the Convention. However, the Committee notes that, according to the 2015 UNICEF report entitled "Small Hands, Heavy Burden: How the Syria Conflict is Driving More Children into the Workforce", four and a half years into the crisis, as a result of the war, many children are involved in economic activities that are mentally, physically or socially dangerous and which limit or deny their basic right to education. The report indicates that there is no shortage of evidence that the crisis is pushing an ever-increasing number of children towards exploitation in the labour market. Some 2.7 million Syrian children are currently out of school, a figure swollen by children who are forced to work instead. Children in the Syrian Arab Republic were contributing to the family income in more than three quarters of households surveyed. According to the report, the Syria crisis has created obstacles to the enforcement of national laws and policies to protect children from child labour, one of the reasons being that there are too few labour inspectors. In addition, there is often a lack of coherence between national authorities, international agencies and civil society organizations over the role of each, leading to a failure in national mechanisms to address child labour.

The Committee notes the Government's information in its 5th periodic report submitted to the Committee on the Rights of the Child published on 10 August 2017 (CRC/C/SYR/5, para. 203), that the Ministry of Social Affairs and Labour (MoSAL), in collaboration with the Syrian Authority for Family and Population Affairs (SAFPA) and in cooperation with other stakeholders, developed a National Plan of Action for the Elimination of the Worst Forms of Child Labour (NPA-WFCL). The Government also indicates that, in collaboration with UNICEF, the SAFPA conducted a survey on the worst forms of child labour in two industrial towns, Hassia in Homs and Haouch el Blas in Damascus.

While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country, the Committee must once again express its *deep concern* at the situation of children in the Syrian Arab Republic who are affected by the armed conflict and driven into child labour, including its worst forms. *The Committee urges the Government to take immediate and effective measures in the framework of the implementation of the NPA-WFCL to improve the situation of children in the Syrian Arab Republic and to protect and prevent them from child labour. It requests the Government to provide information on the results achieved, as well as the results of the surveys conducted in Hassia and Haouch el Blas.*

*The Committee hopes that the Government will make every effort to take the necessary action in the near future.*

## C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

### Observation 2019

The Committee notes that the Government's report contains no reply to its previous comments. It is therefore bound to repeat its previous comments.

*Article 3 of the Convention. Worst forms of child labour. Clause (a). All forms of slavery or similar practices. Forced recruitment of children for use in armed conflict.* The Committee previously noted that the Syrian Arab Republic had adopted a series of legislative reforms such as Law No. 11/2013 which criminalizes all forms of recruitment and the use of children under the age of 18 years by armed forces and armed groups. It noted, however, that numerous armed groups in the Syrian Arab Republic, including the Free Syrian Army affiliated groups (FSA), the Kurdish People Protection Units (YPG), Ahrar al-Sham, Islamic State in Iraq and Sham/the Levant (ISIS/ISIL) and other armed groups were reportedly recruiting and using children for logistics, handling ammunition, manning checkpoints and as combatants.

The Committee notes the Government's indication in its report that armed terrorist groups recruit children and involve them in violence and exploit them sexually. The Committee notes that, according to the report of the Secretary-General on the situation of human rights in the Syrian Arab Republic of 9 June 2016 (A/70/919, paragraphs 50–52), from early 2015, UNICEF verified 46 cases of recruitment (43 boys, one girl, two unknown): 21 were attributed to ISIL, 16 to non-state armed opposition groups, five to armed groups affiliated with the Government, two (including a girl) to YPG, and two to government forces. UNICEF reported that children were increasingly recruited at younger ages (some as young as 7 years old) by non-state armed groups. Children's participation in combat was widespread and some armed opposition groups forced children to carry out grave human rights abuses, including executions and torture, while government forces allegedly submitted children to forced labour or used them as human shields. The Secretary-General also refers to reports from the OHCHR, according to which ISIL publicly announced, on 11 December 2015, the already known existence of a children's section among its ranks, the "Cubs of the Caliphate". The OHCHR also received allegations that ISIL was encouraging children between 10 and 14 years of age to join, and that they were training children in military combat.

The Committee further notes that, according to the report of the Secretary-General on children and armed conflict of 20 April 2016 (2016 report of the Secretary-General on children and armed conflict, A/70/836-S/2016/360, paragraphs 148–163), a total of 362 cases of recruitment and use of children were verified (the Secretary-General indicates that the figures do not reflect the full scale of grave violations committed by all parties to the conflict), and attributed to ISIL (274), the Free Syrian Army and affiliated groups (62), Liwa' al Tawhid (11), popular committees (five), YPG (four), Ahrar al-Sham (three), the Nusrah Front (two) and the Army of Islam (one). Of the verified cases, 56 per cent involved children under 15 years of age, which represents a significant increase compared with 2014. The Secretary-General further indicates that the massive recruitment of children by ISIL continued, and that centres in rural Aleppo, Dayr al-Zawr and rural Raqqah existed that provided military training to at least 124 boys between 10 and 15 years of age. Verification of the use of child foreign fighters increased as well, with 18 cases of children as young as 7 years of age. In addition, the recruitment and use of children as young as 9 years of age by the Free Syrian Army was also verified, as well as the recruitment of 11 Syrian refugee children from neighbouring countries by Liwa' al-Tawhid, and the YPG continued to recruit boys and girls as young as 14 years of age for combat roles. Recruitment and use by pro-government groups was also verified, with five cases of boys being recruited by the Popular Committee of Tallkalah (Homs) to work as guards and conduct patrols. In addition, there were allegations of the use of children by government forces to man checkpoints.

The Committee must once again *deeply deplore* the use of children in armed conflict in the Syrian Arab Republic, especially as it entails other violations of the rights of the child, such as abductions, murders and sexual violence. It once again recalls that, under *Article 3(a)* of the Convention, the forced or compulsory recruitment of children under 18 years of age for use in armed conflict is considered to be one of the worst forms of child labour and that, under Article 1 of the Convention, member States must take immediate and effective measures to secure the elimination of the worst forms of child labour as a matter of urgency.

*While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country, the Committee once again strongly urges the Government to take measures, using all available means, to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children under 18 years of age into armed forces and groups. The Committee once again urges the Government to take immediate and effective measures to ensure that thorough investigations and robust*

## Syrian Arab Republic

*prosecutions of all persons who forcibly recruit children under 18 years of age for use in armed conflict are carried out, and that sufficiently effective and dissuasive penalties are imposed in practice, pursuant to Law No. 11 of 2013. It requests the Government to provide information on the number of investigations conducted, prosecutions brought and convictions handed down against such persons.*

*Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education.* The Committee previously noted that, with approximately 5,000 schools destroyed in the Syrian Arab Republic, the resulting sharp decline in children's education continued to be a matter of great concern among the population. This report also indicated that more than half of Syrian school-age children, up to 2.4 million, were out of school as a consequence of the occupation, destruction and insecurity of schools.

The Committee notes that, according to the 2016 report of the Secretary-General on children and armed conflict (paragraph 157), the number of schools destroyed, partially damaged, used as shelters for internally displaced persons or rendered otherwise inaccessible has reached 6,500. The report refers to information from the Ministry of Education, according to which 571 students and 419 teachers had been killed in 2015, and from the United Nations that 69 attacks on educational facilities and personnel were verified and attributed to all fronts, which killed and maimed 174 children. The Committee further notes that, according to the report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic of 5 April 2016 (A/HRC/32/35/Add.2, paragraphs 50–53), a further 400,000 children were at risk of dropping out of school as a direct result of conflict, violence and displacement. While basic education facilities were in place in the displacement centres visited by the Special Rapporteur, such centres, often using school buildings, offer only limited educational facilities.

According to the same report, UNICEF is working with local partners to reach some 3 million children and has implemented an informal education programme to reduce the number of children out of school. The inter-agency initiative "No Lost Generation" is a self-learning programme aimed at reaching 500,000 children who missed out on years of schooling. In areas hosting high numbers of displaced children, UNICEF is also rehabilitating 600 damaged schools and creating 300 prefabricated classrooms to accommodate 300,000 additional children. The Committee further notes that, according to UNICEF's 2016 Annual Report on the Syrian Arab Republic, UNICEF's interventions in education, focusing on quality, access and institutional strengthening, contributed to an increase in school enrolment from 3.24 million children (60 per cent of school-age population) to 3.66 million (68 per cent) between 2014–15 and 2015–16. These efforts also resulted in a decrease in the number of out-of-school children from 2.12 million (40 per cent) in 2014–15 to 1.75 million (32 per cent) in 2015–16.

Nevertheless, the Committee notes that, in his report, the Special Rapporteur on the human rights of internally displaced persons declares that the challenge of providing even basic education access to many internally displaced children is immense and many thousands of children are likely to remain out of education in the foreseeable future (A/HRC/32/35/Add.2, paragraph 53). The Committee is, therefore, once again bound to express its **deep concern** at the large number of children who are deprived of education because of the climate of insecurity prevailing in the country. **While acknowledging the difficult situation prevailing in the country, the Committee urges the Government to strengthen its efforts and take effective and time-bound measures to improve the functioning of the educational system in the country and to facilitate access to free basic education for all Syrian children, especially in areas affected by armed conflict, and giving particular attention to the situation of girls. It requests the Government to provide information on concrete measures taken in this regard.**

*Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from such work and ensuring their rehabilitation and social integration. 1. Children affected by armed conflict.* The Committee previously noted that the recruitment and use of children in armed conflict in the Syrian Arab Republic had become common and that a great majority of the children recruited are trained, armed and used in combat.

The Committee notes the Government's indication that the competent authorities in the Syrian Arab Republic seek to care for children recruited in armed conflict and to help them return to ordinary life. However, the Committee notes with **deep concern** that the situation in the Syrian Arab Republic has not changed and that not only are there no reports of children having been withdrawn from armed forces and groups in the 2016 report of the Secretary-General on children and armed conflict but that, according to this report, children continue to be recruited and used in armed conflict. **The Committee, therefore, strongly urges the Government to take effective and time-bound measures to prevent the engagement of children in armed conflict and to rehabilitate and integrate former child combatants. It once again requests the Government to provide information on the measures taken in this regard and on the number of children rehabilitated and socially integrated.**

*2. Sexual slavery.* The Committee previously noted that ISIS abducted hundreds of Yazidi women and girls, most of whom were sold as "war booty" or given as "concubines" to ISIS fighters, and that dozens of girls and women were transported to various locations in the Syrian Arab Republic, including Al Raqqa, Al Hasakah and Dayr az Zawr, where they were kept in sexual slavery.

The Committee notes with **regret** the absence of information in the Government's report on this issue. It notes that, according to the report of the Independent International Commission of Inquiry on the Syrian Arab Republic of 15 June 2016 entitled "They came to destroy: ISIS Crimes Against the Yazidis" (A/HRC/32/CRP.2), ISIS has sought to destroy the Yazidis through such egregious human rights violations as killings, sexual slavery, enslavement, torture and mental harm. The report indicates that over 3,200 women and children are still held by ISIS. Most are in the Syrian Arab Republic where Yazidi girls continue to be sexually enslaved and Yazidi boys indoctrinated, trained and used in hostilities. The report reveals that captured Yazidi women and girls over the age of 9 years are deemed the property of ISIS and are sold in slave markets or, more recently through online auctions, to ISIS fighters. While held by ISIS fighters, these Yazidi women and girls are subjected to brutal sexual violence and regularly forced to work in their houses, in many instances forced to work as domestic servants of the fighter and his family. The Committee **deeply deplores** the fact that Yazidi children continue to be victims of sexual slavery and forced labour. **While acknowledging the difficult situation prevailing in the country, the Committee strongly urges the Government to take effective and time-bound measures to remove Yazidi children under 18 years of age who are victims of forced labour and sexual exploitation and to ensure their rehabilitation and social integration. It once again requests the Government to provide information on specific measures taken in this regard, and the number of children removed from sexual exploitation and rehabilitated.**

*Clause (d). Identifying and reaching out to children at special risk. Internally displaced children.* The Committee previously noted that, by early 2013, there were 3 million children displaced and in need of assistance inside the Syrian Arab Republic.

The Committee notes that, according to the report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic of 5 April 2016 (A/HRC/32/35/Add.2, paragraph 67), the extent of the conflict and displacement has had a massive impact on children, many of whom have experienced violence first-hand and/or witnessed extreme violence, including the killing of family members and/or separation from family members. The Special Rapporteur indicates that child protection concerns and issues, including child labour resulting from parents' loss of livelihood, trafficking, sexual and gender-based violence and early and forced marriage, continue to be reported. Children have also been recruited and used by different parties to the conflict, both in combat and support roles. **Observing with concern that internally displaced children are at an increased risk of being engaged in the worst forms of child labour, the Committee once again strongly urges the Government to take effective and time-bound measures to protect these children from the worst forms of child labour. It requests the Government to provide information on the measures taken in this regard and on the results achieved.**

The Committee is raising other matters in a request addressed directly to the Government.

**The Committee hopes that the Government will make every effort to take the necessary action in the near future.**

## **C100 - Equal Remuneration Convention, 1951 (No. 100)**

### ***Observation 2019***

*Articles 1 and 2 of the Convention. Work of equal value. Legislation.* The Committee previously asked the Government to take the necessary measures to bring section 32 of the Federal Act No. 8 of 1980 on Regulation of Labour Relations into conformity with the Convention, as it only provides for equal remuneration between men and women for the same work, which is narrower than the concept of "equal value" provided for in the Convention. The Committee notes the Government's indication that a draft legislation of the Labour Relations Regulation is still under consideration by the competent national legislative bodies that will take into account the Committee's comments. The Committee recalls that the concept of "work of equal value" lies at the heart of the fundamental right of equal remuneration for men and women for work of equal value, and the promotion of equality. It permits a broad scope of comparison, including, but going beyond equal remuneration for "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature, which is nevertheless of equal value (see General Survey on the fundamental Conventions, 2012, paragraphs 672–679). ***The Committee therefore urges the Government to take the necessary measures to amend section 32 of Federal Act No. 8 of 1980 to capture the concept of "work of equal value" so as to ensure the effective application of the Convention. Please, provide information on the progress made in this regard.***

The Committee is raising other points in a request addressed directly to the Government.

## **C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

### ***Observation 2019***

*Articles 2 and 3 of the Convention. National policy on equality of opportunity and treatment.* In its previous comments, the Committee urged the Government to make every effort to ensure that the proposed amendments to Federal Law No. 8 of 1980 on the regulation of labour relations include a specific provision defining and explicitly prohibiting both direct and indirect discrimination on all the grounds set out in *Article 1(1)(a)* of the Convention, covering all workers and all aspects of employment and occupation, and to provide information on the revision process of this Law. The Committee notes the Government's indication that the draft amended Law contains an article defining and explicitly prohibiting all forms of direct and indirect discrimination on the grounds set out in the Convention. The draft is still being reviewed and debated by the Federal National Council and the Government indicates that the Committee will be informed of any developments in this regard. According to the statistics provided by the Government, migrant workers constitute 85 per cent of the country's workforce. The Committee recalls the need to adopt a national equality policy to promote equality of opportunity and treatment and address discrimination in employment and occupation on all the grounds set out in the Convention covering all workers, both nationals and non-nationals. ***The Committee therefore urges the Government once again to take the necessary steps to ensure that the amendments to Federal Law No. 8 of 1980 on the regulation of labour relations include a specific provision defining and explicitly prohibiting both direct and indirect discrimination on all the grounds set out in Article 1(1)(a) of the Convention covering all workers, including non-nationals, and all aspects of employment and occupation. The Committee asks the Government to provide a copy of Federal Law No. 8 of 1980 on the regulation of labour relations, as amended.***

The Committee is raising other matters in a request directly addressed to the Government.

**C138 - Minimum Age Convention, 1973 (No. 138)****Observation 2019**

The Committee notes the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country.

*Article 1 of the Convention. National policy designed to ensure the effective abolition of child labour and practical application of the Convention.* In its previous comments, the Committee noted the various initiatives, policies and measures adopted by the Government, in cooperation with the ILO, employers, workers and civil society organizations, to combat child labour. However, the Committee noted from an ILO survey that more than 1.3 million children between the ages of 5 and 17 were involved in child labour. It further noted from the Yemen Humanitarian Situation Report of March 2017 that more than 9.6 million children were affected by armed conflict in the country with over 1.6 million children who were internally displaced. Noting with deep concern at the large number of children below the minimum age for admission to employment or work who are involved in child labour, the Committee urged the Government to take immediate and effective measures to improve the situation of children in Yemen and to protect and prevent them from child labour, including through the adoption of the national action plan to combat child labour.

The Committee welcomes the information provided by the Government representative, during the discussion at the 108th Session of the Conference Committee on the Application of Standards in June 2019, concerning the application of the Worst Forms of Child Labour Convention, 1999 (No. 182), by Yemen that it has adopted an Action Plan, 2019–26 to combat child labour. The objectives of this Action Plan include: (i) to prevent child labour and protect children; (ii) to ensure social protection to children who end up in the labour market; (iii) to ensure that the monitoring bodies are better able to intervene in cases of child labour; (iv) to increase vocational training; (v) to undertake a study on child labour; and (vi) to adopt a national policy against child labour. The Committee also notes the Government's information in its report that, in cooperation with UNICEF, it is implementing a project for the care and rehabilitation of vulnerable children affected by the conflict as well as a national child protection plan, which contain social protection measures for children. It also notes the Government's information that an estimated 9,941 vulnerable children have benefited from the care and rehabilitation project. Moreover, a National Protection Committee, chaired by the Minister of Social Affairs and Labour and comprising representatives from various governmental bodies and relevant international organizations, has been established. The National Protection Committee provides an effective forum for discussion and exchange of views in order to stimulate cooperation in the fields of social protection, including child protection.

The Committee notes the Government's statement that the consequences of the conflict have extended to child labour. It also notes the Government's reference to the UNICEF report, which states that the worsening economic situation and loss of source of income by many families has resulted in around 2 million children dropping out of school to enter the labour market. It is anticipated that the crisis will have the effect of increasing the scale of child labour and an estimated between 1–3 three million children will have no social protection and will be vulnerable to numerous forms of exploitation. In this regard, the Committee notes from the UNICEF Humanitarian Situation Report of Yemen of June 2019 that an estimated 12.3 million children are in need of humanitarian assistance in the country. While acknowledging the difficult situation prevailing in the country, the Committee must express its *deep concern* at the situation of children in the country wherein a high number of children are involved in child labour and who are vulnerable to such exploitation. *While acknowledging the complexity of the situation prevailing on the ground and the presence of armed conflict in the country, the Committee urges the Government to intensify its efforts to improve the situation of children in Yemen and to protect and prevent them from child labour. It requests the Government to provide information on the measures taken in this regard, including the measures taken within the framework of the Action Plan 2019–26, and the results achieved. The Committee further requests the Government to continue to provide information on the manner in which the Convention is applied in practice, including statistical data on the employment of children and young persons.*

*Article 6. Minimum age for admission to apprenticeship.* In its previous comments, the Committee expressed the firm hope that the draft Labour Code which contains provisions setting a minimum age of 14 years for apprenticeship and the Ministerial Order No. 11 which would be amended to set a minimum age of 14 years for apprenticeship, would be adopted soon.

The Committee notes from the Government's report that the draft Labour Code and the Ministerial Order No. 11 has not been adopted. *The Committee therefore requests the Government to take the necessary measures to ensure that the provisions under the draft Labour Code and the Ministerial Order No. 11, which establish a minimum age of 14 years for apprenticeship, will be adopted without delay. It requests the Government to provide information on any progress made in this regard.*

The Committee is raising other matters in a request addressed directly to the Government.

**C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)****Observation 2019**

The Committee notes the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country.

The Committee notes the observations of the International Organisation of Employers (IOE), and the International Trade Union Confederation (ITUC) received on 29 August and 1 September 2019, respectively. It also notes the Government's report and the detailed discussion which took place at the 108th Session of the Conference Committee on the Application of Standards in June 2019, concerning the application by Yemen of the Convention.

**Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 108th Session, June 2019)**

*Article 3(a) of the Convention. All forms of slavery or practices similar to slavery. Compulsory recruitment of children for armed conflict.* In its previous comments, the Committee noted the Government's information that in 2012, a Presidential Decree prohibiting the recruitment of children in the armed forces was adopted. It also noted the Government's statement that the action plan to put an end to the recruitment and use of children by the armed forces, which was concluded in 2014 with the Special Representative of the United Nations Secretary-General for Children and Armed Conflict, was hindered due to the worsening of the armed conflict since 2015. The Committee further noted from the UNICEF report entitled *Falling through Cracks: The Children of Yemen, March 2017* that at least 1,572 boys were recruited and used in the conflict, 1,546 children were killed and 2,458 children were maimed. Moreover, the Report of the Ministry of Human Rights, 2018, reported an increasing number of conscripted children, about 15,000, by the Houthi militias and their methods of mobilizing these children to fight on front lines. According to the report, children recruited by this group were forced to use psychotropic substances and drugs and had been used to penetrate the Saudi borders. They were also trained to use heavy weapons, to lay landmines and explosives and were used as human shields. The Committee deeply deplored the use of children in armed conflict and strongly urged the Government to take the necessary measures to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children under 18 years of age into armed forces and groups.

The Committee notes the observations of the IOE that the situation of children in Yemen is of concern, due to the involvement and recruitment of children in armed conflict. The Committee also notes that the ITUC, in its observations, states that due to the intensification of the conflict in 2015, the action plan developed in 2014 and the 2012 Presidential Decree banning child recruitment in armed conflict remain moot.

The Committee notes that the Conference Committee, in its conclusions, urged the Government to implement the action plan of 2014 to end the recruitment of children by armed forces.

The Committee notes the Government's information in its report that it is in the process of concluding an agreement with the ILO Regional Office for Arab

States in Beirut to implement a two-year project designed to prevent the recruitment and exploitation of children in armed conflict. This project will target 300 children in the three governorates of Sanaa, Lahij and Hajjah. The Committee notes, however, from the Report of the UN Secretary-General on Children and Armed Conflict, June 2019 (A/73/907-S/2019/509) that in 2018, the United Nations verified the recruitment and use of 370 children with the majority recruitment attributed to Houthis (170) and Yemeni Government forces (111). Of the total number, at least 50 per cent of the children were below 15 years and 37 per cent of them were used in active combat. For the first time the United Nations verified the recruitment and use of 16 girls between the ages of 15 and 17 by the Houthis. It also notes that the Secretary-General expressed concern at the violations against children committed by the armed groups, particularly the persistently high levels of recruitment and use, maiming and killing and denial of humanitarian access to children. The Committee further notes from the Report of the Secretary-General that a road map was endorsed by the Government in 2018 to expedite the implementation of the 2014 action plan to end and prevent the recruitment and use of children and to call for the immediate release of all children from its ranks. While noting some of the measures taken by the Government, the Committee must express its **deep concern** at the continued use and recruitment of children by armed groups and forces and at the current situation of children affected by armed conflict in Yemen, especially as it entails other violations of the rights of the child, such as abductions, murders and sexual violence. **While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups and armed conflict in the country, the Committee once again strongly urges the Government to continue to take measures, using all available means, to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children under 18 years of age into armed forces and groups, including through the effective implementation of the national action plan to put an end to the recruitment and use of children in armed conflict, 2014. It also urges the Government to take immediate and effective measures to ensure that thorough investigations and prosecutions of all persons who recruit children under 18 years of age for use in armed conflict are carried out, and that sufficiently effective and dissuasive penalties are imposed in practice. It requests the Government to provide information on the number of investigations conducted, prosecutions brought and convictions handed down against such persons.**

*Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education.* In its previous comments, the Committee noted from the UNESCO Institute for Statistics, that the net school enrolment rates in Yemen was low with 76 per cent (82 per cent boys and 69 per cent girls) in primary education and 40 per cent (48 per cent boys and 31 per cent girls) in secondary education. It also noted from the UNICEF Yemen Situation report that according to the findings of the Out-of-School Children Survey conducted by UNICEF in Al Dhale governorate, 78 per cent of the 4,553 children who dropped out of school were girls. The Committee accordingly urged the Government to intensify its efforts to improve the functioning of the education system in the country and to facilitate access to free basic education for all children, especially girls, by increasing the school enrolment rates at the primary and secondary levels and by decreasing their drop-out rates.

The Committee notes the observations made by the IOE that the widespread conflict and the risk of attacks on schools as well as the recruitment or abduction of children for combat purposes all play a significant role in separating children from their right to a basic education free from interference or harm. The Committee notes that the Conference Committee, in its conclusions, urged the Government to take all necessary measures to ensure equal access to free basic education for all children of school age.

The Committee notes the Government's reference to various sector-based strategies formulated to develop education in order to meet its obligations under the 2000 Dakar Framework for Action of Education for All and Millennium Development Goals. The Committee notes, however, that except for the Strategic Vision 2025, all the strategies indicated have been outdated. The Government also states that measures to implement strategies to develop education are under way. The Committee notes the Government's statement in its report under the Minimum Age Convention, 1973 (No. 138), that as a result of the various measures taken by the Government, the school enrolment rates at primary and secondary level have increased substantially. Moreover, measures have been taken to repair damaged schools in liberated areas and to provide the necessary means to ensure continuity of education. In this regard, the Committee notes from the UNICEF Humanitarian Situation Report of Yemen that during the first half of 2019, UNICEF's Education Programme have supported the construction of 97 semi-permanent classrooms in 33 schools which provide alternative learning opportunities to 18,159 internally displaced children; completed the rehabilitation of 13 affected schools; provided 21,891 new student desks in 500 schools; and provided school bags and other essential materials to 15,251 children to support and encourage access and reduce economic barriers to schooling. However, the Committee notes from the UNICEF report of March 2018, that since the escalation of conflict in 2015, more than 2,500 schools are out of use with two thirds damaged by attacks, 27 per cent closed and 7 per cent used for military purposes or as shelters for displaced people. Furthermore, the Committee notes the Government's admission that many problems prevent the Government from carrying out its educational development policies, such as the population dispersal, the difficult economic and social circumstances, the prevalence of certain customs and traditions, including the early marriage of girls, high levels of vulnerability, poverty and the ongoing war in the country. The Committee notes from the UNICEF report of March 2019 that out of seven million school-aged children, over two million children are already out of school. While noting the measures taken by the Government, the Committee must once again express its **deep concern** at the large number of children who are deprived of access to education because of the climate of insecurity prevailing in the country. **Considering that education is key in preventing children from being engaged in the worst forms of child labour, the Committee once again urges the Government to intensify its efforts to improve the functioning of the education system in the country and to facilitate access to free basic education for all children, especially girls, by increasing the school enrolment and attendance rates at the primary and secondary levels and by decreasing their drop-out rates. It requests the Government to continue to provide information on the measures taken in this regard and on the results achieved.**

*Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from such work and ensuring their rehabilitation and social integration. 1. Children in armed conflict.* In its previous comments, the Committee noted from the Report of the Ministry of Human Rights, 2018, that workshops and civil society campaigns on the rehabilitation of children withdrawn from armed conflict were carried out and rehabilitation centres were opened for such children. Hundreds of children recruited by militias were released and provided with medical care. This report further indicated that the Government of Yemen, in cooperation with the Arab Coalition and the International Committee of the Red Cross and UNICEF, received 89 children who were recruited by the Houthi militia and deployed along the borders, out of which 39 children were rehabilitated and returned to their families. The Committee urged the Government to continue to take effective and time-bound measures to ensure that children removed from armed groups and forces receive adequate assistance for their rehabilitation and social integration.

The Committee notes that in its conclusions, the Conference Committee urged the Government to provide information and statistics on the number of children engaged in armed conflict, the number of those liberated and provided with rehabilitation and reintegration services.

The Committee notes the Government's information that at present there are no data and information on the number of children released from military camps and rehabilitated and reintegrated in the community. However, the Government indicates that a database on affected children and the services provided to them will be launched in cooperation with UNICEF. **The Committee expresses the firm hope that the Government will take the necessary measures, without delay, to ensure the establishment of the database relating to the number of children withdrawn from armed conflict, rehabilitated and reintegrated to the community. It requests the Government to provide information on any progress made in this regard as well as on the information on the number of children who have been withdrawn and rehabilitated. The Committee further requests the Government to provide information on the effective and time-bound measures taken to remove children from armed groups and forces and to provide adequate assistance for their rehabilitation and social integration, including reintegration into the school system, vocational training, or alternative learning opportunities wherever possible and appropriate.**

*2. Abandoned and street children.* The Committee notes that the Government representative of Yemen, during the discussion at the Conference Committee,

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stated that the country faces several challenges and one of those being the increasing number of abandoned children and children begging. *The Committee urges the Government to take effective and time-bound measures to protect abandoned children and child beggars from being engaged in the worst forms of child labour and to provide them with the appropriate assistance and services for their rehabilitation and reintegration. It requests the Government to provide information on the measures taken in this regard and on the results achieved.*

The Committee is raising other matters in a request addressed directly to the Government.