State compliance with obligations assumed under the various ILO conventions is monitored by three bodies: the Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts), the Conference Committee on the Application of Conventions and Recommendations (Conference Committee) and the ILO Governing Body. The former deal with the reports that must be submitted about implementation of ILO conventions (every 2-4 years), while the latter focuses on ‘Representations’, a form of complaint that can be submitted in relation to alleged violations of ILO conventions.

Reports:
States must submit reports every 2-4 years on every ILO convention that they have ratified. These reports are examined by the Committee of Experts, which responds in two main ways when it perceives that states are not meeting their obligations under ratified conventions:

- First, ‘Direct Requests’, which ask for additional information and often make recommendations to the state on measures that should be taken to remedy violations of rights. Generally, most states comply with the Committee’s recommendations and the matter goes no further.
- Second, in cases where the state does not comply or if serious and persistent violations are evident, the Committee may issue ‘Observations’ on the state’s conduct, which are distributed to other states and published in the Committee’s Report to the International Labour Conference.

The International Labour Office may also initiate ‘Direct Contacts’ to encourage and facilitate compliance with ILO convention obligations. Direct Contacts essentially entail the provision of technical support from the International Labour Office or individual experts to governments to aid in the implementation of and respect for ILO conventions. The aim of technical aid, which may be requested by a state or consented to subsequent to initiation by the ILO, is to make recommendations and to find solutions to problems involved with implementing or respecting rights defined in a ratified convention.

Complaints:
There are four main complaints procedures that can be used in the ILO system, all of which have relatively few procedural requirements:

- Representations (ILO CONST., Art. 24);
- Complaints (ILO CONST., Art. 26);
- Freedom of Association complaints and;
- Special Surveys on Discrimination in Employment.

While all of these procedures may be of some use, Art. 24, Representations are the most useful for indigenous peoples in those states that have ratified ILO 107 and 169.

Who can submit a representation and a complaint?
Under Article 24, any “industrial association” can submit Representations to the ILO. The definition of an industrial association is flexible and includes trades-unions, local, national or international associations. Indigenous peoples’ organizations, campesinos’ unions and cooperative associations that represent farmers, fishers, artisanal workers or other indigenous workers, may also be included in this category, but this has yet to be done. The organization
submitting the Representation need not have a factual connection with the situation described in the Representation.

Article 26, Complaints, however, can only be instituted by a delegate to the International Labour Conference. This most likely would be a representative of a Workers’ delegation, who may also be an indigenous person.

**What are the requirements for submitting a representation?**

Representations are investigated by the Governing Body of the ILO, whose membership structure is 50% state representatives and 50% workers’ and employers’ representatives. The procedure is set out in the Standing Orders of the Governing Body concerning the examination of representations under articles 24 and 25 of the ILO Constitution.

To be declared admissible a Representation must include the following (Art. 2, Standing Orders):

- it must be in writing and in a widely used language;
- be submitted by an industrial or employers’ association - some description of the organization should be included as evidence of its status;
- concern a member-state of the ILO or a state bound by an ILO convention (if not a member);
- it must make specific reference to Article 24 of the ILO’s Constitution;
- it must concern an ILO convention ratified by the state in question and the convention must be in force for that state;¹ and,
- allege that the state has failed to respect the rights defined in a ratified ILO convention; this should include, although not required, information and documentation to substantiate the claim.

After a Representation has been found admissible, the Governing Body will appoint a special committee from amongst its members to examine the allegations. The special committee will, at this point, request a response from the state concerned and may request further information, if needed, from the submitting organization. The special committee then forms an opinion and communicates it and any recommendations to the Governing Body.

Based on the opinions of the special committee and the information received from the parties, the Governing Body will reach a decision as to whether a violation has or has not occurred. If the Governing Body finds that the state has not violated the terms of the Convention, the proceeding is terminated. If it finds against the state, it can publish the Representation, along with its opinion and the other supporting documents. It may also decide to establish a Commission of Inquiry to examine the Representation under the Article 26 Complaints procedure.

The findings of the Governing Body are followed up by the Committee of Experts and the Conference Committee to oversee state compliance with the decision. This may include use of Direct Contacts, Observations and Direct Requests.

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¹ Reservations are not permitted to ILO Conventions, therefore, this factor need not be addressed when contemplating submitting an Article 24 Representation.