



Committee of Experts on the Application of Conventions and Recommendations: International Labour Organization (ILO)

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A. Introduction

1 The Committee of Experts on the Application of Conventions and Recommendations ('CEACR' or 'Committee of Experts') is one of the most important supervisory mechanisms of the → *International Labour Organization (ILO)* [MPEPIL]. It performs a central function in analysing reports from states and verifying their compliance with international labour conventions. It belongs to the ILO's 'regular system of supervision' and differs significantly from the two 'special procedures' the organization has also developed.



2 The ILO's special procedures are generally intended to respond to individual claims raised by social partners (employers' and workers' representations) and by Member States regarding other states' violations of certain provisions of ILO Conventions. The first type of special procedure is the representation procedure (→ *Representation procedure: International Labour Organization (ILO)*), provided for in Articles 24 and 25 Constitution of the International Labour Organisation ('ILO Constitution'). According to the ILO Constitution, both employers' associations and trade unions can make a representation to the International Labour Office arguing that a state member of the ILO has not effectively observed a particular Convention within its jurisdiction. If the Governing Body of the ILO ('ILOGB') finds a representation receivable—'receivable' is the term used in the ILO Constitution—it will set up a tripartite committee to discuss the merits of the representation. In case the representation deals with a Convention on trade union rights, the ILOGB may choose to refer the case to the Committee on Freedom of Association (→ *Committee on Freedom of Association (CFA): International Labour Organization (ILO)*). Following a report by the ILO, the ILOGB will decide the follow-up action it considers appropriate for the case, which may include making public the petitioned representation. In addition to the representation procedure, the ILO Constitution provides for the so-called complaints procedure (→ *Complaint procedure: International Labour Organization (ILO)*) set forth in Articles 26–33 ILO Constitution. This mechanism allows for any Member State to file a complaint against the non-observance by another Member State of a particular ILO Convention.

3 Unlike these special procedures, the regular system of supervision seeks to provide a general assessment of states' compliance with the Conventions and Recommendations to which they are bound. The two most important mechanisms of this regular system of supervision are the International Labour Conference's Tripartite Committee on the Application of Conventions and Recommendations ('Conference Committee' or 'CAS') and the CEACR. The Conference Committee is a standing committee of the International Labour Conference ('ILO-ILC') tasked with reviewing the CEACR's annual report. The Conference Committee selects a few observations from this report for discussion and invites the governments referred to in these observations to provide further information. In many cases, the Conference Committee makes recommendations to the ILC, which may decide to recommend ways in which these governments can address the issues brought up in the observations made by the CEACR. The CEACR has performed its supervisory function since 1926; however, the type and nature of this function has changed over time. The role of the CEACR has ranged from a simple consultative organ of the ILO to a quasi-judicial body that, despite not having decision-making powers, can provide crucial readings of whether Member States are in violation of ILO Conventions and



Recommendations. After all, it has been argued that 'much of the prestige of the ILO standards' is due to the work of the CEACR (Maupain, 2013, 120).

B. Supervising Compliance with International Labour Standards: The Creation of the Committee of Experts on the Application of Conventions and Recommendations

1. Historical Background and Mandate of the Committee of Experts on the Application of Conventions and Recommendations

4 From 1919 to 1926, the ILO had no specific mechanism for supervising the application of its standards. During this period, the annual reports provided for in Article 408 Treaty of Peace between the Allied and Associated Powers and Germany ('Treaty of Versailles')—later Article 22 ILO Constitution—were directly communicated to the ILC. It was only in 1926 that the ILC created both the (Tripartite) Conference Committee on the Application of Standards and the CEACR (Resolution Concerning the Methods by which the Conference can make use of the reports submitted under Article 408 of the Treaty of Versailles, 1926). In 1927, the CEACR held its first session. It was then composed of only eight members and had a rather limited mandate. According to the ILOGB, the functions of the CEACR should be to: (a) identify cases where information provided by a Member State was incomplete or inadequate for a proper understanding of that state's position regarding a particular Convention; (b) identify different interpretations of the Conventions by different states; (c) provide the Director-General with technical reports containing the Committee's observations on the states' reports (International Labour Conference Record of Proceedings, 1926, 401–2 [1926 Record of Proceedings]). Moreover, the CEACR should have 'no judicial capacity nor would it be competent to give interpretations of the provisions of the Conventions nor to decide in favour of one interpretation rather than another' (1926 Record of Proceedings, 405). Matters related to the interpretation of Conventions could only be solved either by a commission of enquiry set up by the ILC or by the Permanent Court of International Justice ('PCIJ') (1926 Record of Proceedings, 405).

5 At that point, Member States recognized that an effective supervisory system, as was set forth in Article 408 Treaty of Versailles, would have to perform two different functions. On the one hand, it would have to provide technical and legal analysis of how states were applying the ratified Conventions, a function to be performed by the CEACR. On the other hand, there would have to be a superior organ assessing from a more political perspective the reports provided by the CEACR. This was the responsibility of the ILC's Conference Committee, which had a tripartite composition. The Conference Committee, however, would normally appoint 'sub-reporters' to



perform extra analysis of the reports submitted by states in order to avoid being accused of duplicating the work of the CEACR.

6 The structure of the supervisory mechanism remained the same until the early 1940s. In 1944, members of the ILO met in Philadelphia for the 26th session of the ILC with the intention of reviewing the objectives and missions of the organization, resulting in the well-known 1944 Declaration of Philadelphia (Declaration Concerning the Aims and Purposes of the International Labour Organization, 1944 [Declaration of Philadelphia]). On this occasion, the Conference Committee prepared a report indicating that changes had to be implemented in the supervisory system in order for it to be more effective (International Labour Conference Record of Proceedings, Report IV on the Application of Standards, 1944 ['1944 Report']). The supervisory mechanisms were no longer to simply assess whether states' laws were in conformity with ILO standards. They had also to verify whether their application in practice was in conformity with what was expected pursuant to the Conventions and Recommendations. In this respect, the 1944 Report reinforced the role of the CEACR as the principal forum where these assessments were to be made, with the CAS analysing those cases where the CEACR had made the most important and dramatic observations. The 1944 Report also stressed the fundamental importance of the CEACR experts' 'independence' and 'impartiality' to the future of the supervisory mechanism (1944 Report, 309–11).

7 This resulted in changes to the terms of reference of the CEACR (as well as in those of the CAS). Moreover, in 1946, the ILO Constitution was amended to reflect a number of issues that had been discussed since the 1944 Report was published. For the supervisory system, the most significant change was the amendment to Article 7 General Standing Orders in 1947 (General Standing Orders of the International Labour Conference, 1947), setting out the terms of reference of the CAS. Together with the amendment to Article 19 ILO Constitution, this change reinforced states' obligations to report on the implementation of conventions. In particular, the changes referred to the obligation of states to also provide information from their labour inspection services to the CEACR and to the CAS (International Labour Conference Record of Proceedings, Annex XII, 1947, 581 ['Record of Proceedings Annex XII 1947']). The terms of reference of the CEACR were further strengthened in 1947 and only a few changes were introduced afterwards.

8 Currently, the mandate of the CEACR can be summarized as follows. Pursuant to Article 19 ILO Constitution and the powers entrusted to its members by the ILOGB, the CEACR analyses the annual reports submitted by the Member States regarding their application of the ILO



Conventions and Recommendations. The CEACR assesses the information provided by governments about actions aiming at making sure the Conventions are properly implemented in their national legal systems. This information relates to actions taken by states to have ILO Conventions and Recommendations considered by their national competent authorities, the degree of influence—regardless of their ratification—these Conventions and Recommendations have had on national labour law and labour practice, how much employers' associations and trade unions have collaborated to facilitate the application of such instruments, and the obstacles that governments have faced when trying to implement the Conventions and Recommendations. The ILO-ILC added also that the CEACR should give special attention to equal representation of workers and employers whenever a Convention provided for such, and should also consider what could be done to effectively implement Article 23 (2) ILO Constitution, which posits that governments should also communicate the report they are submitting to the ILO to their representative organizations of workers and employers (International Labour Conference Resolution concerning the strengthening of tripartism in the over-all activities of the International Labour Organization, 1971, paras 2 (c) and (d) [Resolution concerning the strengthening of tripartism in the over-all activities of the International Labour Organization 1971]).

9 In 2004, the ILOGB also attributed a role in the representations procedure to the CEACR by amending the Standing Orders concerning the procedure for the examination of representations ('Standing Orders on the Representation Procedure, 2004'). Whenever a representation considered receivable 'relates to facts and allegations' brought up by a previous representation, the setting up of the tripartite committee has to wait until the CEACR has examined the 'follow-up given to the recommendations previously adopted by the Governing Body' (Art 3 (3) Standing Orders on the Representation Procedure, 2004). The CEACR therefore also guarantees that representations are not made indiscriminately without proper regard to remedial actions already taken to address the facts that gave rise to them in the first place.

2. The Composition of the CEACR

10 The election of members for the CEACR follows a straightforward procedure. Nominees are presented by the Director-General and their appointments are subject to a simple majority vote of the Member States in the ILOGB (Gravel and Charbonneau-Jobin, 2006, 7). After approval by the ILOGB, the chosen experts are appointed to the CEACR for three years, renewable up to a limit of 15 years (four renewals). Initially composed of only eight members, the CEACR gradually increased to 20 members in the 1970s and has remained the same since. A fundamental aspect



for the appointment of experts to the Committee is that they are not and should not be taken as representatives of their governments (Gravel and Charbonneau-Jobin, 2006, 8). Although there are no clear objective criteria for their selection, experts are supposed to be impartial and independent individuals of integrity with recognized knowledge in labour law (→ *Labour Law, International* [MPEPIL]) or international law. There are no particular criteria regarding gender or nationality. It has been suggested that geographical distribution should be considered when selecting the experts, but the ILOGB has found that this should not be a decisive criterion (Governing Body Minutes, 159th Session, 1964, 49). Little attention has been paid to gender and geographical distribution in the selection of experts. Even though the ILOGB has aimed at having a diverse group of experts in terms of geographical distribution, the same cannot be said when it comes to gender distribution. The large majority of experts appointed by the Governing Body have been male jurists and only in recent times has this started to change.

C. The CEACR's Procedures and Method of Work

11 Unlike similar organs created by other international organizations, such as the → *Human Rights Committee* [MPEPIL] ('CCPR') and the → *United Nations Commission on Human Rights/United Nations Human Rights Council* [MPEPIL] ('HRC'), the CEACR does not have a body of formal procedural rules such as the CCPR's Rules of Procedure of the Human Rights Committee or the HRC's United Nations Human Rights Council: Institution-Building, Chapter VII, Rules of Procedure. However, it is notable that these organs not only have more extensive competencies but also operate under set rules of procedure, which the CEACR lacks. Another interesting comparison could be drawn with the HRC Advisory Committee, which performs general studies in specific human rights topics in order to inform the work of the HRC. This is to a certain extent a function similar to that of preparing General Surveys performed by the CEACR. While the HRC Advisory Committee has developed its Rules of Procedure of the HRC Advisory Committee, the CEACR has not developed any.

12 In fact, the CEACR has developed a straightforward and effective method of work, with the assistance of the International Labour Office. In 2001, the CEACR created a sub-committee composed of certain members of the CEACR itself to be in charge of constantly examining the methods of work of the committee (ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations: General Report and Observations concerning Particular Countries, Report III (Part 1A) (2012), para 6 ['CEACR Report III (1A), 2012']). In addition, in order to conduct their annual work, experts meet and work intensively during November and December of each year to address the reports and comments submitted by Member States and



other social partners. During the first week of work, each expert works alone on the reports and comments he or she has been assigned, to decide on whether they want to ask states for more information on a certain issue, through a direct request, or comment on a particular violation, by means of an observation. This is done largely with the assistance of the International Labour Office, normally through the Department of International Labour Standards - NORMES (Yokota, 2015, 659). The second week is reserved for the plenary meeting of the CEACR at which experts comment on each other's analysis and try to reach consensus on the wording of direct requests or observations to be made. The CEACR meets every year in November and December to finalize its assessments and reports. These meetings are assisted by the International Labour Office, which has also had an impact on the development of the CEACR's methods of work.

13 The results of these meetings are published in the CEACR's annual report at the end of each year. These reports are divided into three parts: the first part contains the CEACR's General Report with general comments on the application of a Convention; the second part contains the CEACR's observations on Member States' reports; and the third part normally contains the General Survey. The Conference Committee analyses the CEACR annual report, giving particular attention to the 'observations' made by the Committee of Experts. As the observations are too numerous, the Conference Committee normally selects and discusses 25 with a view to preparing a final report to the ILO-ILC (Ia Hovary, 2013, 344). Finally, the CEACR has been very ingenious in interpreting its mandate and creating methods of work that allow its members to exert a great deal of influence in the way that Conventions and Recommendations are legally understood. This has benefited the organization considerably by clarifying certain legal concepts arising from Conventions and Recommendations, but has also created some problems, such as those related to the CEACR's interpretation of Convention No 87 on the Freedom of Association (ILO Convention No 87 concerning the Freedom of Association and Protection of the Right to Organize), and the right to strike (this issue has actually given rise to a very contentious debate within the organization and will be the object of a specific analysis in a following section).

14 Despite the lack of a proper set of formal rules of procedure, the methods of work agreed by the members of the CEACR are seen as binding and indispensable, and function in a similar manner to such rules for the conduct of their work. Although they do not constitute formal rules in the sense of legal rules, they have enough normative force to organize the way in which the CEACR functions. This lack of formality actually allows the CEACR to adapt its own functioning according to the demands, both substantive and procedural, of the organization. It grants the



members more flexibility in their work at the same time that it provides a guiding stream for them to follow.

D. The CEACR's Supervisory Functions

15 Despite the lack of proper rules of procedure, the ILOGB has provided the CEACR with enough support for it to work successfully, in particular regarding the reports submitted by Member States. These mechanisms allow the CEACR to request information from Member States directly, comment on their compliance with Conventions, and prepare general studies comparing different legal and factual practices regarding ILO instruments. These mechanisms are (1) direct requests, (2) observations, and (3) general surveys. While the first two are related to Member States' annual reports, the latter is a comparative study of sorts commissioned by the ILOGB.

16 Submission of reports by Member States to the International Labour Office, as well as the respective comments by trade unions and employers' associations on the application of Conventions, follow a specific cycle. States should report on the implementation of technical Conventions every five years. The implementation of the so-called 'Fundamental Conventions' (which include Conventions No 29, 87, 98, 100, 105, 111, 138, and 182) and that of the 'Governance Conventions' (Conventions No 81, 122, 129, and 144) must be reported on by states every three years. Reports on technical Conventions are normally grouped by topic and distributed among the experts. This system was established given the increasing number of ratifications of ILO Conventions and the consequent increase in the workload of the CEACR.

1. Direct Requests

17 Direct requests are probably the simplest of the CEACR's procedures relating to reports submitted annually by countries. After receiving Member States' reports, the International Labour Office will assign each one to a member of the CEACR. These states' reports are sent to the Office together with comments made by trade unions or employers' associations on how a particular Convention is being implemented in a particular jurisdiction. During the process of individual analysis in the first week, if a member of the CEACR finds it necessary, he or she can suggest that a state should provide further information on the implementation of a certain Convention in its territory. If the other members of the CEACR second the suggestion to request more information, a direct request will then be sent to the Member State. This is, therefore, little more than a mechanism of communication used by the CEACR to complement the reports submitted by Member States. It does not aim at assessing the information submitted by the



state, but rather to clarify elements of the Convention and Recommendation's implementation. Direct requests are not published in the CEACR's annual report.

2. Observations

18 Observations differ from direct requests, but are also specifically related to the reports submitted by countries annually. They are the CEACR's notes on whether a state has properly implemented the Conventions, and not a means of communication between the Committee and the state. In order for the CEACR to state its observations, it analyses the state's legislation and practice, including statistical data from labour inspectorates and labour ministries, and the related case law. In general, observations are made whenever there is persistent non-compliance with a particular Convention by a state (Boockmann, 2000, 37).

19 CEACR observations do not merely refer to situations where there has been non-compliance with Conventions. Whenever the CEACR notices that there has been an improvement or a measure taken to comply with a particular Convention, it mentions its 'satisfaction'. Notes of satisfaction also serve to mark what the CEACR has come to call 'cases of progress'. These are cases that have been previously noted by the CEACR as deserving of improvement by the country, in order for it to properly comply with a particular international labour standard. The Committee of Experts has been listing these types of cases since 1964, as they also serve as an interesting element to assess the extent to which observations made by the Committee of Experts effected changes in the behaviour of countries with respect to ILO standards (Gravel and Charbonneau-Jobin, 2006, 23). Also, since 2000 the Committee of Experts has started to take note with 'interest' of states' actions (Gravel and Charbonneau-Jobin, 2006, 23). These are also positive notes made on countries' actions towards complying with international labour standards, without any notes in previous reports having been made.

20 On the other hand, if the state has not complied or has persistently not taken measures to comply with a Convention, the CEACR will express its 'regret' or 'concern' with the situation at hand. The CEACR may eventually decide to strengthen this wording by adding 'deeply' or 'gravely' (Yokota, 2015, 661). When assessing whether a state has complied with a Convention, the CEACR takes into account five crucial considerations: (1) whether there is a fundamental discrepancy between the practices of the state and what is expected from it to comply with the Convention; (2) whether the state has taken measures to give effect to the Convention; (3) if there have already been previous comments, whether the state has taken action to address such comments; (4) whether the information that the state provided demonstrates that a certain



negative situation has improved; and (5) whether there are any major issues raised by trade unions or employers' associations to which the state has not adequately responded.

21 A last feature of CEACR's observations is the use of 'special notes' or 'footnotes'. These relate to two particular kinds of serious cases identified by the CEACR. First, they can be a *single footnote*, which is the means to require a state to provide an early report on a specific Convention; second, a special note can be in the form of a *double footnote*, in which case the government is requested to provide some detailed information about the application of a Convention to the Conference Committee. These two special notes can only in exceptional circumstances be used simultaneously when the CEACR comments on one state's behaviour concerning a Convention or Recommendation. For example, should a double footnote be used, the application of a single footnote can only be made if the case that it raises has already been previously discussed by the Conference Committee. If a double footnote is used, the relevant state can only be given a single footnote if the case in question had already been previously discussed by the Conference Committee (CEACR Report III (1A), 2012, para 48). The CEACR has established criteria as conditions for the use of special notes: '(a) the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers health, safety and well-being, as well as any adverse impact, including at the international level, on workers and other categories of protected persons; (b) the persistence of the problem; (c) the urgency of the situation; the evaluation of such urgency is necessarily case-specific, according to standard human rights criteria, such as life-threatening situations or problems where irreversible harm is foreseeable; and (d) the quality and scope of the government's response in its reports or the absence of response to the issues raised by the CEACR, including cases of clear and repeated refusal on the part of a state to comply with its obligations' (CEACR Report III (1A), 2012, para 49). The CEACR's observations are published in its annual reports and have come to be regarded as an effective tool for pushing states towards complying with Conventions and Recommendations.

3. General Surveys

22 Finally, another specific function of the CEACR is the preparation of General Surveys which constitute wide comparative studies of the legislation and practices of states with respect to a specific topic concerning labour rights. These studies are conducted so as to provide a comparative and detailed analysis of how certain issues relating to labour rights are being



treated by Member States. They consider all members regardless of whether they have ratified the particular Conventions and Recommendations. The ILOGB decides the topic of the General Survey and does not follow a particular rule for choosing the topic. Generally, topics for general surveys may be decided according to the urgency of the matter or the time since the last General Survey on a matter was treated. For example, the CEACR published a General Survey in 1994 on the topic of freedom of association (ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations: Freedom of Association and Collective Bargaining, Report III (Part 4B) (1994)), in 2012 on labour inspection (ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations: Giving Globalization a Human Face, Report III (Part 1B) (2012) [‘CEACR Report III (1B), 2012’]), and in 2016 on the instruments concerning the rights of migrant workers (ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations: Promoting Fair Migration, Report III (Part 1B) (2016)). General Surveys are normally published separately from the annual report and do not follow a particular periodic cycle. Thus, the CEACR prepares a General Study pursuant to a request by the ILOGB. After 1955, General Surveys were given more importance, when the Governing Body decided to ‘formally entrust the CEACR with the responsibility of presenting these [General] surveys before the ILC’ (Maupain, 2013, 129). General Surveys are also interesting documents where the compliance of states with ILO Conventions and Recommendations can also be attested and non-compliance noted.

E. Power of the CEACR to Interpret Labour Conventions

23A central issue regarding interpretation of Conventions has recently been discussed in relation to the ILO. In 2012, the CEACR raised in its report the possibility of deducing the right to strike from Convention 87 or the Convention on Freedom of Association and Protection on the Right to Organize (CEACR Report III (1B), 2012). During the 2012 meeting of the Conference Committee, the employers’ delegates argued that neither in the preparatory work of Convention 87, nor by making use of the Vienna Convention on the Law of Treaties was there room for understanding that a right to strike could be deduced from the Convention. Therefore, according to the employers’ group, there was no legal basis for the right to strike in the Freedom of Association Conventions (CEACR Report III (1B), 2012, 47). They argued that at best Convention 87 could provide for a very loose and general right to strike, but under no circumstances could it be regulated in detail as was suggested by the CEACR (CEACR Report III (1B), 2012, 47). The workers’ delegates responded that already in 1994 they had defended the right to strike as an ‘indispensable corollary of the right to organize protected by Convention n. 87’ (CEACR Report III



(1B), 2012, 48). Amidst this debate in the Conference Committee, the CEACR explained its position by saying that for years the Committee on Freedom of Association has been developing 'principles relating to the right to strike' (CEACR Report III (1B), 2012, para 118).

24 For the employers' group, the CEACR was exceeding its mandate in the report by offering an illegitimate interpretation of Convention 87. The danger, it argued, was that such an interpretation could be seen outside of the organization as having been approved by the tripartite constituents or as being legally binding (ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations: General Report and Observations concerning Particular Countries, Report III (Part 1A) (2013), 8–9), while the ILO Constitution reserves the task of providing definitive and binding interpretations of Conventions to the → *International Court of Justice (ICJ)* [MPEPIL] (Art 37 (1) ILO Constitution). This argument has been discussed and even supported by a few members of the Conference Committee, but in practice there has been only one instance in the history of the ILO where recourse to the PCIJ under Article 37 ILO Constitution was exercised. This was the ILO's request that the PCIJ provide an interpretation of the Night Work (Women) Convention of 1919 (*Interpretation of the Convention of 1919 concerning Employment of Women during the Night*, 1932).

25 Indeed, historically, the CEACR has not been given an official right to 'interpret' Conventions. Some authors argue this is due to a tension between the expansion of the CEACR role in the supervisory system and its growing lack of political support (Maupain, 2013, 123). This, however, has not prevented it from defining the meaning of certain legal concepts in the ILO instruments. If the CEACR is to perform its work properly, it inevitably has to provide a 'reading' of the Conventions, which entails interpreting such instruments. After all, if the CEACR has to verify compliance with ILO standards by states, it needs to have a clear understanding of the meaning of these standards. As long as this interpretative exercise is done without major innovations in terms of doctrine, members of the organization would see it as falling within the scope of the CEACR's mandate. A problem, nevertheless, arises when this interpretation is seen as exceeding the mandate of the CEACR. The question, therefore, of the extent to which the CEACR can provide useful and legitimate interpretations of the Conventions ultimately depends on whether the Conference Committee approves them. If the issue is referred to the ICJ, then the Court's decision would bind both the CEACR and the Conference Committee. An interesting case would be if the ICJ confirms the understanding of the CEACR, somehow granting it a certain degree of autonomy and legitimacy in interpreting ILO Conventions. In any event, it seems that the question of interpretation of ILO Conventions has no obvious legal solution.



F. The Impact of the Work of the CEACR

26 The question remains, however, as to how significant the work of the CEACR is in a context where neoliberal policies have become the standard in most market economy countries nowadays. It is no secret that such policies inevitably hinder labour rights and foster the emergence of various types of precarious work by means of deregulating the labour market. The lower the standards employers have to meet in respect to workers, the freer they are to engage in various employment forms serving the purposes of their businesses. In principle, according to this logic, it would follow that countries would undergo stronger economic growth and development. This, however, has been questioned even by some of the most neoliberal organizations in the world (eg World Bank, *World Development Report 2013*, 2012). One could argue that within this predominantly neoliberal environment, the ILO supervisory mechanisms provide a counterbalance, in that they attempt, to the best of their possibilities, to hold countries accountable for their actions in respect to those ILO conventions they have ratified. In this sense, the CEACR can be seen as an instrumental body providing a professional and independent interpretation of how the eventual policies implemented by countries have or have not abridged workers' rights. This stems from the CEACR's functions as the reader of the Conventions in respect to countries' actions. Albeit in rather limited fashion, the CEACR's observations as well as surveys could well be used outside the ILO system as an important argument to push towards more compliance with such ILO standards. As it stands today, despite its lack of proper judicial power to curb violations of international labour standards and considering its limited reach, the CEACR still impacts the international political sphere—as can be seen from its part in the 'right to strike' controversy—and puts its legal arguments at the centre of a very political stage. Although small and at most times neglected, the CEACR remains an important body for determining the meaning of both international labour law and policy.

27 Also, it has to be remarked that the listing of cases of progress has attested to the influence the CEACR's observations have on conditioning the behaviour of countries with respect to compliance with international labour standards. Though limited, the impact the work of the CEACR has had on pushing states to comply with ILO standards is significant. It has been noted, however, that it may be that the increase in the number of cases of progress has much to do with the increase in ratifications of ILO conventions (Gravel and Charbonneau-Jobin, 2006, 24). Despite such critique, alongside other ILO supervisory mechanisms, the CEACR remains an important body to guarantee the defence and proper applications of labour rights across the globe.



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