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## **Economic and Social Council**

### **Substantive session of 2013**

Coordination segment

#### **Provisional summary record of the 24th meeting**

Held at the Palais des Nations, Geneva, on Monday, 8 July 2013, at 10 a.m.

*President:* Mr. Osman (Vice-President) ..... (Sudan)

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*In the absence of Mr. Osorio (Colombia), Mr. Osman (Sudan), Vice-President, took the Chair.*

*The meeting was called to order at 10.15 a.m.*

**The role of the United Nations system in implementing the ministerial declaration of the high-level segment of the 2012 substantive session of the Economic and Social Council**

*Panel discussion: Using human rights instruments and International Labour Organization standards and recommendations to achieve decent work for all*

**The President** said that the absence of economic and gender equality remained a cause for concern around the world. The effects of the financial crisis continued to be felt most severely by the weakest sectors of society. Governments, the private sector and civil society must work together to provide access to decent employment in an open labour market. Only a responsible private sector could provide decent and sustainable employment.

*The President invited the Director of the United Nations Research Institute for Social Development (UNRISD) to act as moderator.*

**Ms. Cook** (Moderator) said that the right to decent work underpinned discussions of many other rights. In many countries, especially in the developing world, development mechanisms were needed to create jobs and give effect to employment rights. In the developed world, work-related benefits, collective bargaining arrangements and union representation had been undermined as work had become more insecure. States, corporations, international financial institutions and other stakeholders must guarantee the right to decent work for all. The question was how human rights instruments could best be used to help achieve that goal.

**Mr. Ryder** (Director-General of the International Labour Organization (ILO)) said that the decent work agenda was by definition rights-based. Even before 2008, 80 per cent of workers around the world had no access to social protection. The number of unemployed people worldwide currently stood at 200 million, 75 million of them young people. It was unthinkable that the economic crisis could be overcome without decent work being provided for all.

Under the 1998 Declaration on Fundamental Principles and Rights at Work, States had made a commitment to abide by eight fundamental conventions that covered subjects including freedom of association, collective bargaining, forced labour and child labour. ILO was committed to working with the rest of the United Nations system to develop a consistent approach to the realization of the right to work, particularly in rural economies, and to addressing the problems associated with the informal economy.

**Mr. Suárez Santos** (Deputy Secretary-General, International Organisation of Employers) said that the business community was becoming increasingly aware of the importance of consistent international labour standards. While businesses also followed their own path in applying social responsibility principles they frequently faced difficulties because of the presence of weak institutions and the informal economy in many countries. Employers supported ILO standards as a global reference but had difficulty with their interpretation and practical application. There was a need for mechanisms to measure the impact of ILO conventions and to ensure that improved rights for workers also benefited employers and States.

**Mr. Bruun** (Committee on the Elimination of Discrimination against Women) said that the Committee not only reviewed compliance by States parties with the Convention on the Elimination of All Forms of Discrimination against Women, it also issued

recommendations on how to improve the situation of women. It considered issues relating to the formal and informal economies, given the preponderance of women working in the latter. In that connection, the ILO Domestic Workers Convention, 2011 (No. 189) was a welcome addition to international labour standards.

The Committee viewed women as actors of economic growth and the right to work as being closely linked to the right to health care and education. The Committee was underutilized as an instrument for economic development but it should provide clearer recommendations to States parties on how to address specific issues such as wage disparities.

**Ms. Rao Gupta** (Deputy Executive Director of the United Nations Children's Fund (UNICEF)) said that access to quality childcare was a vital component of decent work. Some 340 million children under the age of 6 lived in households where all the adults went out to work. Parents should not have to face a trade-off between earning an income and taking care of their children. Yet, women were often forced to choose part-time or informal work and older children frequently dropped out of school to care for younger siblings. A lack of childcare services compromised early childhood education and nutrition, potentially crippling children's future development. ILO and UNICEF were engaged in efforts to identify the links between decent work and childcare policies and economic returns, to promote social sector investment, to strengthen social protection and to ensure that international instruments were reflected in national legislation. All international bodies should work more closely with the private sector, trade unions and civil societies to develop more coherent policies on those issues.

**Mr. Chibebe** (Deputy General Secretary, International Trade Union Confederation) said that human and labour rights, social protection and genuine three-way dialogue between the social partners were the building blocks of decent work. He recalled a discussion that he had had in 2012 with multinationals which had suggested moving some 10 million jobs from China, where the unions were getting stronger, to Ethiopia, where the labour market was deemed to be more flexible. He urged Governments to ensure the right of their citizens to decent work instead of bowing to big business.

**Mr. Mokhiber** (Office of the United Nations High Commissioner for Human Rights) said that United Nations and ILO conventions converged on the fact that merely creating employment was insufficient; ensuring the quality of that employment was crucial. Both sets of instruments drew attention to the particular situation of vulnerable workers, including women and persons with disabilities. Decent work involved such elements as non-discrimination, free choice, fair conditions, protection against unemployment and the right to organize. Decent work was not some vague notion of social responsibility; it was about applying the rule of law in the economic sphere. The volume of guidance and case law emanating from international bodies on decent work could be expected to grow with the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

From a human rights perspective, the primary purpose of the economy was not growth but creating the means to deliver human rights. The need for austerity did not relieve Governments of their human rights responsibilities: before adopting regressive policies, Governments must allocate all available resources to the maintenance of core human rights standards. Moreover, using austerity policies as a justification for making social welfare cuts actually puts States under increased scrutiny, because the issue was not usually resources but rather political priorities. In that connection, the United Nations was increasingly reminding States of their responsibility for protecting workers' rights. The post-2015 development agenda could be used to define development targets, with due consideration for labour rights.

**Mr. Ayehu** (Ethiopia), referring to the comments made about moving jobs from China to Ethiopia, said that the Ethiopian labour market was regulated by law and, although Ethiopia, like many other African countries, benefited from considerable Chinese investment, the figure of 10 million jobs was misleading.

**Mr. El-Karib** (Sudan) said that his Government believed that employment disputes should be resolved through dialogue and negotiation, and not through the adoption of social protection measures. He asked to what extent ILO had been successful in promoting the adoption of decent work standards and what obstacles it had encountered. Recalling that forced enrolment of child soldiers was a serious problem in the Sudan, he appealed to UNICEF and ILO to reiterate their condemnation of the practice.

**Ms. Prieto Abad** (Colombia) said that provisions of ILO conventions and other international instruments had been incorporated into her country's legislation and thus made binding on all Colombians. Decent work could be provided if countries were to stop relying on the informal sector as an economic mechanism. She asked how such a move could be achieved using existing international instruments. What were the panellists' views on the possibility of establishing greater cooperation between States and international organizations to implement those instruments?

**Mr. Ferri** (Observer for the European Union) said that the European Union had included the goal of universal ratification and implementation of key international human rights treaties in its Strategic Framework and Action Plan on Human Rights and Democracy in order to support democracy, the rule of law and human rights as drivers of economic growth. The European Union strongly advocated a rights-based approach to economic growth and supported the empowerment of women, gender equality and inclusive sustainable development. Reaffirming the commitment of the European Union to the right to freedom of association and collective bargaining, he said that he wished to know how such rights could be effectively guaranteed.

**Ms. Sonubi** (Nigeria) said that employment should be a pillar of the post-2015 development agenda and that decent work could not be achieved without respect for human rights. Her country's Decent Work Agenda, which took account of the ILO Global Jobs Pact, revolved around three priority areas: creating jobs, especially for young people, persons with disabilities and women in the rural or informal economy; extending social protection to groups such as migrants, victims of trafficking, persons living with HIV/AIDS and child workers; and promoting dialogue between the social partners. Nigeria had already taken steps towards establishing decent work, notably by ratifying the ILO Maritime Labour Convention, 2006.

**Mr. Lanen** (Observer for Norway) said that Norway supported the rights-based approach to work and that persons with disabilities should not be left out of the equation. Decent work, fair income distribution and equality should be pillars of the post-2015 development agenda, as countless studies had shown that more equal societies where women played a larger role performed much better in terms of sustainable economic growth. He would be glad to know how the panellists viewed the role of the United Nations in ensuring that those issues were included in the post-2015 targets.

**Ms. González Zambrano** (Observer for the Bolivarian Republic of Venezuela) said that poverty eradication was dependent on three interdependent factors: full and productive employment, decent work for all and universal social protection, matters which were covered in her country's Constitution and Organic Labour Act. However, labour rights, social protection mechanisms and employment security were increasingly being sidelined in so-called "first-world" countries. By contrast, her Government had chosen to focus on employment and on the human and labour rights of workers, which it saw as an investment rather than a financial burden. Although there were obstacles, all States should set full

employment and decent work as a shared goal to be attained through efforts to formalize economies, support small- and medium-sized enterprises and build strong socioeconomic infrastructure. She wished to know what progress had been achieved in providing decent work for women and eliminating gender discrimination.

**Ms. Kage** (Observer for Germany) said that she noted the discrepancy between the statements made at the current meeting and the negotiations of the corresponding resolution. Urgent action was required to implement the ILO Declaration on Fundamental Principles and Rights at Work and to guarantee decent work for all. The international community could no longer afford to launch study after study without any follow-up as it risked losing entire generations to unemployment. Coherent and coordinated policy frameworks, enhanced social protection, active labour market policies and engagement with the private sector and civil society were crucial. The German Development Cooperation agency undertook activities that combined technical and vocational training, youth social work and employment services with private sector development and economic policy formulation. She asked the panellists whether the employment effects of policies implemented in their respective areas of responsibility were systematically monitored.

**Mr. Serefidis** (Observer for Greece) echoed the concerns expressed over the impact of the global economic crisis on human rights. ILO efforts to promote decent work and establish alliances with different stakeholders were vital, and he wished to know how such alliances could be strengthened further. He asked how the treaty bodies engaged with other organizations.

**Mr. Ryder** (Director-General of the International Labour Organization (ILO)) said that economic growth must translate into social progress and social justice. The rights-based approach had long been at the heart of the ILO mission. Countries with a strong record of human rights and social dialogue also enjoyed long-term sustainable economic growth.

The application of ILO norms had produced remarkable outcomes in terms of both increased visibility of key issues and legislative changes at country level. One example was the progress that ILO had made in eliminating the systemic and widespread practice of forced labour in Myanmar in cooperation with the Government. The most effective way to optimize the impact of ILO work was to build up its supervisory system. Supervision, in combination with technical cooperation, had proven to be an effective mechanism for enhancing compliance with ratified treaties. In the light of the post-2015 development agenda, establishing system-wide coherence and cooperation with other stakeholders was vital. ILO was seeking greater engagement with the Bretton Woods institutions on matters including the challenges of growth, employment and social cohesion. The post-2015 agenda would need to be rights-based and the decent work agenda should play a central role in it.

Noting that nearly 50 per cent of the workforce in the Americas was engaged in informal employment, he said that the informal economy would be among the topics for debate at the 103rd session of the International Labour Conference. Current efforts were focused on overcoming the obstacles to formalization. Global unemployment, especially youth unemployment, was a pressing problem. The notion of the “lost generation” was sadly no longer a cliché but a reality and a powerful call for immediate action.

**Ms. Adhikari** (Nepal) said that the economic situation in the least developed countries (LDCs) remained dire. She wished to know if the panellists could suggest job creation policies for countries like Nepal. How did panellists see the role of the corporate sector? How could Governments cooperate with businesses more effectively? She also wished to know how panellists saw the role of migrant receiving countries in protecting migrant workers’ rights.

**Ms. Rao Gupta** (Deputy Executive Director of the United Nations Children's Fund (UNICEF)) said that economic growth must pave the way for social justice. Recent data from the International Monetary Fund (IMF) showed that economic growth was fostered when there was a focus on equity. It was encouraging to note the emphasis placed on equity in the preparations for the post-2015 development agenda. UNICEF supported the establishment of accountability mechanisms that would enable citizens to monitor the local impact of national investment decisions.

Despite wide ratification of the relevant international instruments, she noted that 250 million children were still engaged in some form of work. The root cause, namely poverty, must be tackled more directly. UNICEF also worked to combat the use of and rehabilitate child soldiers.

**Mr. Bruun** (Committee on the Elimination of Discrimination against Women) said that globalization had weakened States and development and that rights must be dealt with at the international level. The example of Greece illustrated the role of international organizations in national policymaking. The country's latest report to the Committee on the Elimination of Discrimination against Women (CEDAW/C/GRC/7) showed that the austerity policy which had been designed in close cooperation with the European Union and IMF had had a detrimental impact on women. Given its commitment to a rights-based approach, the European Union must assess the human rights impact of its austerity policy.

The Committee on the Elimination of Discrimination against Women had done much to improve the visibility of gender issues in the labour market. It addressed child labour issues and systematically monitored the impact of its work on women's employment. Women should no longer be seen as a vulnerable group, but rather as actors of development and economic growth. That aspect should be made part of the post-2015 agenda.

**Mr. Suárez Santos** (Deputy Secretary-General, International Organisation of Employers) said that employers' organizations and the business community played an important role in ensuring rights at work. His organization conducted awareness activities, issued guidance to companies and employers' organizations and liaised with the business sector to foster such rights. Decent work could only be achieved in an environment conducive to business, which in turn required adequate institutional and legal frameworks. There was nothing wrong with flexibility. Many countries achieved labour flexibility while guaranteeing decent employment. In order to facilitate the realization of rights at work at the company level, United Nations system-wide coherence in the interpretation of those rights was needed. Employers also needed to be well informed about the practical implications of ILO standards.

**Mr. Chibebe** (Deputy Secretary-General, International Trade Union Confederation) said that his earlier remarks had not been intended to attribute responsibility for the relocation of multinational corporations to the Chinese Government. Faced with stronger unions in China, corporations often took the decision to relocate to Africa, and he was glad to learn that Ethiopia had legislation to prevent modern-day slavery under the guise of investment.

In regard to the statement made by the representative of Germany, he said that it was important to move beyond words and legislation in order to effect real change on the ground. It was regrettable that States parties to ILO treaties were not immune to abusing their own nationals.

The persistent difficulties in LDCs were linked to the fact that international actors generally engaged on issues concerning the formal economy, hoping for a trickle-down effect that did not always occur. While the formal economy benefited from investment, much of the population in the countries concerned remained poor. The very notion of

development was also problematic. New development in cities, for example, often coexisted alongside abject poverty. The term “enabling environment” could be misused to serve vested interests. Such an environment must not be created at the expense of the poor, who should be consulted in decisions affecting them. As to the interpretation of rights enshrined in ILO instruments, there could be no doubt about the interpretation of treaties that had been used for decades.

**Ms. Cook** (Moderator), summing up the discussion, noted that many opportunities and challenges remained in connection with the application of ILO standards and human rights instruments to achieve decent work for all.

*The meeting rose at 12.55 p.m.*