

## IGWG 7<sup>th</sup> Session - Global Union Comments:

### Article 3

Thank you, Chairperson. I speak on behalf of the global trade union organisations: ITUC, BWI, EI, IndustriAll, ITF, IUF, PSI, and UNI.

I have a comment regarding Article 3.3.

As with the second revised draft, we cautiously welcome the extension of the scope of rights now covered in the LBI – which include fundamental freedoms emanating from the UDHR, customary international law, and core international human rights treaties and fundamental ILO conventions to which a state is a party. Taken together, these instruments embody numerous labour rights, such as freedom of association and collective bargaining, equality and non-discrimination, forced labour, and child labour, wages, health and safety, social security and the limitation of working hours.

We had commented last year that any formulation that limits the coverage of *fundamental ILO Core Conventions* to those which a State has ratified would breach the principle of non-regression under international law due to the fact that the Declaration on Fundamental Principles and Rights at Work of 1998 requires ILO Member States to respect and promote the principles and rights contained in the ILO's Core Conventions by virtue of its membership in the Organization, regardless of ratification. While the third revised draft now makes a reference to the Declaration on Fundamental Principles and Rights, the language around Core ILO Conventions *to which a State is a party* remains. As this formulation still causes some confusion, we would recommend re-ordering Article 3.3. We have some language for this and our proposal would read as follows:

#### Article 3.3

This Legally Binding Instrument shall cover all internationally recognized human rights and fundamental freedoms which the State Parties of this (Legally Binding Instrument) have ratified, including:

- a. those recognized in the Universal Declaration of Human Rights;
- b. all core international human rights treaties;
- c. ILO Conventions;

as well as those to which they are otherwise bound, including,

- d. the ILO Declaration on Fundamental Principles and Rights at Work; and
- e. customary international law.

Thank you, Chairperson.