



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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Committee on the Elimination of Discrimination against Women

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Implementation of article 22 of the Convention on the
Elimination of All Forms of Discrimination against Women

**Reports provided by specialized agencies of the United Nations
on the implementation of the Convention in areas falling within
the scope of their activities**

Note by the Secretary-General

Addendum

International Labour Organization (ILO)



International Labour Office

**REPORT OF THE
INTERNATIONAL LABOUR OFFICE
UNDER ARTICLE 22 OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

Geneva, June 2006

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Part I: Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women are dealt with in a number of ILO Conventions. A detailed list of these instruments, and description of the ILO's supervisory process that yields comments on their application, may be found in previous ILO reports to CEDAW. For reasons of economy of space, these explanations are not reproduced here, but the Committee secretariat can make them available to members.

The explanations below are brief references to much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in Part II can be found by going to:

www.ilo.org/public/english/standards/norm/index.htm

and then referring to the APPLIS database.

As concerns States that have not ratified the relevant Conventions, information may be submitted to the ILO under the follow-up to the Declaration on Fundamental Principles and rights at Work, adopted in 1998. Where relevant, this will also be communicated.

Part II: Indications concerning the situation of individual countries

Cape Verde

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Cape Verde has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2004 Direct Request the Committee commented on the definition of the term “equal work” in national legislation. It asked the Government to specify whether in practice equal remuneration was paid not only for the same work but also for work which is different but nevertheless of equal value. Moreover, the Committee noted that no system of job evaluation was in place for the objective appraisal of jobs.

Convention No. 111: In its Direct Request of 2004 the Committee noted a certain number of factors which continue to hinder significantly the equitable integration of women in the development process in the country, such as their low levels of literacy, their high rate of unemployment (25 per cent); their concentration in socio-occupational categories that are undervalued; their reduced participation in decision-making bodies at all levels; the myth of female vulnerability and paternalism and the sex-based division of work which maintains the traditional role of women.

The Committee also noted the Government statement that the integration of women in the development process was progressively being attained at various levels. The Committee pointed out that the adoption of appropriate measures aimed at further encouraging women to consider training which is less traditionally or typically “female” could contribute to improving the situation of women in the labour market and to promoting the principle of equality.

Chile

I. Among the relevant ILO Conventions, Chile has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 103, 105, 122, 138 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request the Committee commented on the low participation rate of women in the labour market (38.6 per cent) and on the wage gap between men and women, which narrowed only for lower-level occupational categories or groups with less responsibility. It also noted the amendment of sections 2 and 5 of the Labour Code by Act No. 19.759 of 5 October 2001, prohibiting discrimination in employment and occupation. The Committee considered that while this reform

contributed to the application of the principle equal remuneration for men and women workers for work of equal value, it does not necessarily reflect it in full, as section 2 of the Labour Code is more related to the application of the principle of the ILO Convention No. 111.

Convention No. 111: In its 2005 Observation the Committee noted with interest the amendment made to section 2 of the Labour Code by Act No. 19812 of 13 June 2002, broadening protection against discrimination in employment on grounds of previous debts, with the exception of workers who have general administrative responsibilities or whose functions relate to the collection, administration or management of funds or assets.

Moreover, it commented on section 349 of the Commercial Code, which provides that a married woman who is not covered by the marital regime of the individual ownership of property may enter into a commercial partnership agreement only with her husband's special authorization. The Committee hoped that the Government would consider the possibility of amending section 349 of the Commercial Code so as to ensure that women, irrespective of their civil status and the marital property regime that they and their spouses have selected, may conclude commercial partnership agreements without the prior authorization of their spouses and exercise their professional activities under equal conditions with men. In its Direct Request, the Committee also commented on the examination of two draft bills on sexual harassment (Bulletins Nos. 1419-07 and 2665-18), noting the importance of focusing on the scope of the definition of sexual harassment and the scope of protection and liability.

Convention No. 156: In its Direct Request of 2000 the Committee noted with interest Act No. 19.591 facilitating the conditions for entitlement to a crèche and suggested that consideration be given to extending this measure to working fathers with children under 2 years of age so as to prevent the undesired effect that enterprises recruit men rather than women with a view to reducing expenditure on crèches. The Committee also noted with interest that this Act extends maternity protection to women working in private houses and that a new final paragraph had been added to section 194 of the Labour Code providing that employers may not make the continuation of employment conditional on the existence or absence of pregnancy, nor require a certificate or any examination to ascertain whether or not a woman worker is pregnant.

Moreover, the Committee noted that section 195 explicitly states that the rights afforded to mothers under that provision may not be waived. While noting that by virtue of sections 159 and 160 of the Labour Code, no worker may be dismissed on the grounds of their family situation, the Committee nevertheless noted that the explicit exclusion of working fathers from the protection afforded by section 195 (2) to working mothers is not in conformity with the Convention. The Government's report on this Convention is due this year.

Child Labour

Convention No. 138: In its 2004 Direct Request the Committee noted that a joint reading of sections 13(2) and 13(6) of the Labour Code, section 4 of the Act concerning civil marriage and sections 26, 106 and 150 (1) of the Civil Code showed that a women over 12 years of age could marry and work. It requested the Government to provide

information on the measures adopted or envisaged to ensure that the provisions concerning the minimum age for admission to employment or work set out in the Labour Code also apply to married women between 12 and 15 years of age.

Convention No. 182: In its 2004 Direct Request the Committee noted with interest that, in the context of a sub-regional programme of the ILO's International Programme for the Elimination of Child Labour (IPEC), the Government undertook from December 2002 to February 2004 a project entitled "Programme of prevention and assistance to girls and boys subject to commercial sexual exploitation in Chile" in the cities of Santiago, Concepcion and Talcahuano. It also took note of the study entitled "Work by children and young persons in figures: National survey and register of the worst forms", published at the beginning of 2004, which seeks to determine the unacceptable forms of work the elimination of which has to be a priority for the country. More information can be obtained from the ILO/IPEC upon request.

Maternity protection

Convention No. 103: In its 2005 Observation the Committee noted with interest that the provisions of the Labour Code with respect to maternity protection have been extended to domestic workers (Act No. 19.591 of 1998) and that the *Contraloría General de la República* considered in 2003 that the rules of the Labour Code concerning maternity protection are applicable to all women employed in state service, regardless of the statutory system to which they are affiliated.

China

I. Among the relevant ILO Conventions, China has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 45, 122, 138 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2003 Direct Request the Committee noted that women were significantly underrepresented in the occupational group "heads of unit" and hoped that the Government would take measures to address promotion of women to supervisory positions. Furthermore, the Committee noted that the labour administration authorities regularly gather, assess and process information on wage levels of different professions in various types of enterprises in order to develop a standard wage level for each profession. It asked the Government to provide information on the methodology used to ensure that the indicative wages issues were established in accordance with the principle of the Convention, that jobs in which women work were not undervalued, and that the process was free from sex bias. The Government submitted a new report in 2005, which will be examined by the CEACR in 2006.

Child Labour

Convention No. 182: In its 2005 Direct Request the Committee took note of the project carried out by the ILO's International Programme for the Elimination of Child Labour (IPEC) entitled the "CP-TING" which aims at preventing the internal trafficking

in girls and women for labour exploitation. It also noted that ILO/IPEC launched a Mekong Subregional Project to Combat Trafficking in Children and Women (TICW) in Cambodia, Yunnan Province of China, Lao People's Democratic Republic, Thailand and Viet Nam in 1999. Moreover the Committee noted that the rising cost of education mostly affects girls who are estimated to form the majority of the 85 million new illiterates. Considering that education contributes to preventing girls from engaging in the worst forms of child labour, the Committee asked the Government to take the necessary measures to facilitate girls' access to education.

Underground Work

Convention No. 45: In its 2005 Direct Request the Committee noted that the State Council has promulgated new Regulations on Labour Inspection (Regulation No. 23) which penalize the employment of women in mine shafts.

Cuba

I. Among the relevant ILO Conventions, Cuba has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 122, 138, 142 and 183.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request the Committee noted two substantial differences between national legislation and the Convention: the concepts of "work of equal value" and of "remuneration" employed in the Convention are wider than the concepts of "equal work" and "pay" used in Cuban law. As to the expression "work of equal value", the Convention requires the use of the "value" of the work as a point of comparison, and therefore inevitably broadens the elements to be taken into consideration, based on equal value, in relation to work which is of a different nature and which cannot, therefore, be considered to be equal work. The Committee asked the Government to continue to provide information on how it ensures the application of the principle of the Convention in practice, and reiterated its hope that the Government would consider amending its legislation so as to give full effect to the principle of equal remuneration for men and women for work of equal value.

Convention No. 111: In its 2005 Direct Request the Committee noted sections 1 and 2 of resolution No. 8/2005 (General Regulation on Labour Relations) which incorporate the principle of non-discrimination into the principles governing employment policy. It noted with interest that according to section 24 the establishment of requirements or criteria which discriminate on the basis of sex, skin colour, religion, political opinion, nationality or social origin, or which are detrimental to human dignity, is prohibited.

Moreover, the Committee noted that as of 1996 there has been a steady increase in the level of women's participation in the country's workforce, the figure being at 44.9 per cent in 2003. It also noted with interest that in 2003 a special provision of the Executive Secretary of the Council of Ministers was implemented according to which two candidates, one of whom must be a woman (in order to promote the

appointment of women to managerial posts), must be nominated for managerial posts within the public administration system.

CZECH REPUBLIC

I. Among the relevant ILO Conventions, the Czech Republic has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 142, 171, and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2004 Observation, the Committee noted with interest the Ministry of Labour and Social Affairs' Methodological Instruction No. 9/2002 addressed to labour inspectors. The Instruction explains the legal provisions on gender equality in force and highlights the role of labour inspectors in ensuring their application. The Instruction provides practical guidance to labour inspectors on how to conduct equality inspections.

In its Direct Request from the same year, the Committee noted that, according to the Government, labour market segregation by gender, concentration of women in certain sectors, lower earnings for women and wage discrimination, difficulties in accessing managerial and decision-making positions remain determinants of women's income situation. The Committee noted from the Structure of Earnings Survey carried out by the Czech Statistical Office that on average women earned 74.6 per cent of men's gross monthly earnings in 2003, compared to 71.4 per cent in 2001. The Committee also noted that the gender wage gap between men and women with a university education remains particularly high at 35 per cent. The Government submitted a new report in 2005, which will be examined by the CEACR in 2006.

Convention No. 111: In its 2005 Direct Request, the Committee noted that Act No. 46/2004 has amended and supplemented the equal treatment provisions of the Labour Code (section 1). The Act introduced definitions of direct and indirect discrimination, harassment, including sexual harassment, and provisions on permissible exceptions to the principle of non-discrimination, i.e. differential treatment based on inherent job requirements and special temporary measures to achieve gender equality. The Committee also noted that section 4 of the new Employment Act (No. 435/2004) provides for equal treatment of all individuals asserting their rights to employment. Section 4 prohibits direct and indirect discrimination on all the grounds covered by the Convention, and a number of additional grounds, including health condition, age, property, sexual orientation, and citizenship.

The Committee noted that according to statistical information compiled by the ILO, 43 per cent of the total female population was economically active in 2004, while this rate was 57.8 per cent for men. The rate of registered unemployment for 2004 was 8.3 per cent for men and 10.9 per cent for women. The Committee further noted that in 2002 the Government Council for Equal Opportunities of Men and Women was established and serves as an

advisory body. Since 2002 all ministries are preparing and implementing their own gender equality programmes and gender focal points have been established in all ministries.

Forced Labour

Convention No. 29: In its 2005 Direct Request, the Committee noted the information provided by the Government on measures taken to prevent, suppress and punish trafficking in persons for the purpose of exploitation. It noted, in particular, the Government's indication that a new draft section 146 of the Penal Code aiming at reinforcing sanctions for trafficking in persons was submitted to Parliament for adoption, and that the National Strategy against Trafficking, which includes measures on victim protection, was approved in September 2003.

Underground Work

Convention No. 45: In its 2005 Direct Request, the Committee noted the information contained in the Government's report, including the observations by the Czech-Moravian Trade Union Confederation (CMKOS) concerning the proposed new Labour Code, to be adopted in 2006, particularly with regard to section 236 which prohibits underground work for women. The Committee also noted the information that the Czech Republic is obliged to harmonize the national legislation with the *acquis communautaire*, since its entrance into the European Union in May 2004, and that Convention No. 45, which prohibits underground work for women, is in contradiction with the European Council Directive No. 76/207/CEE, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and career advancement, and working conditions.

Democratic Republic of Congo

I. Among the relevant ILO Conventions, the Democratic Republic of Congo has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 138 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request the Committee noted that the revised Labour Code (Act No. 15/2002 of 16 October 2002) in section 7(h) continues to exclude family allowances and other benefits from the definition of remuneration. Noting further that section 86 of the revised Labour Code concerning wage determination continued to refer to "equal conditions of work, vocational qualifications and output" the Committee recalled that the principle of equal remuneration implies the principle of "work of equal value", which, by making the "value" of the work the point of comparison, goes further than mere "equal conditions".

Convention No. 111: In its 2005 Direct Request the Committee noted the Government's first report on this Convention. It noted with interest the adoption of the

draft Constitution by the National Assembly which in article 13 provides that no national of the Congo may, in relation to education and public services, or in any other area, be subject to any discriminatory measure, whether arising out of the law or an act of the executive authorities, on the grounds of his or her religion, family origin, social condition, residence, political opinion and beliefs, racial, ethnical or tribal belonging or minority or cultural extraction. Furthermore, article 14 provides that the State shall ensure the elimination of all discrimination against women and the protection and promotion of their rights. Noting that these constitutional provisions only apply to nationals of the Congo the Committee requested the Government to indicate how non-nationals are protected against discrimination on all the grounds set forth in the Convention

The Committee also noted the absence of a provision in the Labour Code explicitly defining and prohibiting direct and indirect discrimination in all fields of employment and occupation, and not only in relation to dismissal. It requested the Government to indicate in the manner in which protection against discrimination is ensured in other areas of employment and occupation, such as access to employment, vocational training and terms and conditions of employment.

Furthermore, the Committee took note of discriminatory provisions in national legislation according to which a woman has to obtain the authorization of her husband to take up salaried employment (sections 448 and 497 of Act No. 87/010) or to be recruited as a career member of the public service (section 1(7) of Legislative Ordinance No. 88-056. It requested the Government to indicate the measures adopted or envisaged to amend these provisions so as to bring them into conformity with the principle of equality of opportunity and treatment for men and women workers in employment and occupation.

Other issues raised by the Committee relate to the definition of sexual harassment in national legislation, the National Programme for the Promotion of Congolese Women, the application of the principle of equality of opportunity and treatment in employment and occupation in the public sector and special protective measures in national legislation which prohibit the assignment of women to several types of work (Ministerial Order No. 68/13 of 17 May 1968).

Denmark

I. Among the relevant ILO Conventions, Denmark has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: With respect to the implementation of the Act on equality between women and men (Act No. 388) the Committee noted in its 2003 Direct Request that every year the Minister for Gender Equality submits a statement, a perspective and a ministerial action plan on gender equality, including initiatives on equal pay and the gender segregated labour market. It also noted with interest the adoption of the Act on Gender Equality of 30 May 2002. Moreover, the Committee noted from the Labour

Market Report 2001 that women continue to dominate in education for the health and pedagogical professions, while a greater proportion of men are trained as skilled craftsmen and in technical fields.

Convention No. 111: In its 2003 Observation the Committee noted with interest the adoption of the Act on equality between men and women (Act No. 388 of 2000), which aims at promoting gender equality and combating direct and indirect sex discrimination, and sexual harassment. It noted that section 2(1) of the Act states that every employer, authority or organization shall treat men and women equally in the public administration and in occupation and general activities. The Committee also took note of the establishment of the Danish Equal Opportunities Board which is competent to examine complaints under this Act, as well as complaints concerning discrimination made under: the Act on equal remuneration for men and women (Act No. 983 of 20 November 2001); the Act on equal treatment between men and women as regards access to employment and maternity leave (Act No. 895 of 10 October 2001); and the Act on equal treatment between men and women in relation to occupational social security schemes (Act No. 775 of 29 August 2001). The Government submitted a new report on these Conventions in 2005 which will be examined by the CEACR in 2006.

GEORGIA

I. Among the relevant ILO Conventions, Georgia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142, 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request, the Committee noted that mechanisms exist in Georgia for setting wages, and that the Government has adopted a number of legal measures for establishing the minimum wage and subsistence wage, as well as remuneration rates for employees in the public sector. The Committee noted with concern that according to data from 2004, the average monthly salary for women represented only 81.8 per cent of the minimum subsistence wage in 2004, signifying that many more women than men are vulnerable to poverty on account of their difference in earnings. It also noted that the wage gap between men and women is slightly lower in the private sector than in the public sector but that, in general, women earn significantly less than men. The average monthly salary for women was 108 laris compared with 200.8 laris for men (a 46 per cent wage gap).

The Committee noted that section 2(b) of the Labour Code establishes that a "worker has a right to have equal wages under equal working conditions according to the quantity and quality of work without any discrimination". The Committee recalled that the phrase "equal remuneration for men and women workers for work of equal value", as expressed in the Convention, goes beyond equal remuneration for equal work and requires rates of remuneration to be established exclusively on the basis of job content.

Convention No. 111: In its 2005 direct Request, the Committee noted that neither the National Action Plan for the Advancement of Women nor the employment programme that included measures related to female employment, both under the purview of the

newly created State Commission on the Elaboration of the State Policy for Women in Development Issues, had been implemented due to unfavourable social and economic conditions in the country.

Child Labour

Convention No. 182: In its 2005 Direct Request the Committee noted that, according to the Government's second periodic report to the Committee on the Rights of the Child (CRC/C/104/Add.1 of 28 April 2003, paragraph 288), the plan of action to combat violence against women for the period 2000-2002 was ratified by Presidential Decree in February 2000. The plan has as one of its objectives the prevention and elimination of trafficking in women for the purpose of sexual exploitation. The Committee noted that the Government has provided no information on *Article 7, paragraph 2(c) and (e)*, of the Convention. The Committee noted that there has been an increasing number of reported incidents of sale, trafficking and abduction of children, especially girls, for commercial sexual exploitation.

GHANA

I. Among the relevant ILO Conventions, Ghana has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 100, 103, 105, 111, 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request, the Committee noted that section 68 of the new Labour Act provides that "every worker shall receive equal pay for equal work without distinction of any kind." The Committee noted from the Government's report that the Government's gender strategy and affirmative action policy implicitly promotes both equality of rights for women in employment and equal remuneration. The Committee recognized that such policies have an important indirect impact on equalizing remuneration levels between men and women. The Committee noted from the Government's report that the Ghana Employers' Association has not undertaken a job classification exercise in the private sector.

Convention No. 111: In its 2005 Direct Request, the Committee noted that the Labour Act defines "sexual harassment" as "any unwelcome, offensive or importunate sexual advances or request made by an employer or superior officer or co-workers to a worker, whether the worker is a man or woman" (section 175), which does not appear to cover hostile environment harassment. Under section 15, a contract of employment may be terminated by the worker on the ground of sexual harassment and under section 63(3)(b) a worker's employment is deemed to be unfairly terminated if the worker terminates the contract of employment because the employer has failed to take action on repeated complaints by the worker of sexual harassment at the workplace. The Committee expressed concern that these provisions may not provide adequate protection and remedies to victims of sexual harassment, as redress appears to be available only

following repeated complaints to the employer and only to the extent that the harassed worker is entitled to leave the employment relationship.

Child Labour

Convention No. 182: In its 2005 Direct Request the Committee noted the Government's information that the Ministry of Women and Children's Affairs in efforts to reduce child trafficking, has so far provided 82 million cedis to women who have given out their children to engage in child labour in the fishing communities, in order to encourage them to withdraw the children. The assistance package is made available to the women under the programme "Operation Bring Your Child Home" in which the Ministry is spearheading the return of children trafficked from coastal fishing communities around the Volta Lake. The Committee also noted the establishment of a girl child education unit at the Ministry of Education. The Committee noted the Government's information that ILO/IPEC (Ghana), in collaboration with the Government and some NGOs, has established projects to withdraw children engaged in the worst forms of child labour, to counsel them, and to integrate them into formal and non-formal education.

Night Work

Convention No. 89: In its 2004 Observation, the Committee recalled that for several years it has been drawing the Government's attention to the inconsistencies between certain provisions of its national legislation and the requirements of the Convention, in particular as regards the possibility of suspending the prohibition of night work for women. The Committee noted that the general prohibition of night work for women has now been removed and that under section 55(1)(a) of the Labour Act of 2003 it would only be prohibited to assign or employ pregnant women workers to do any night work without their consent between 10 p.m. and 7 a.m.

JAMAICA

I. Among the relevant ILO Conventions, Jamaica has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request, the Committee noted with regret that no steps have been taken to amend section 2 of the Employment (Equal Pay for Equal Work) Act of 1975, which applies the principle of equal remuneration only to "similar" or "substantially similar" job requirements, whereas the Convention provides for equal remuneration for work which is different but which is still of "equal value". Furthermore, the Government failed to provide any information indicating that other measures are being taken to ensure the application of equal remuneration not only for similar work but also for work that may be different in nature but still of equal value.

The Committee noted from the *Statistical Bulletin* of 2002 published by the Ministry of Labour and Social Security (MLSS) that complaints regarding pay and conditions of

employment mostly related to the Employment (Termination and Redundancy Payments) Act and the Holidays with Pay Act, and that 54.8 per cent of the complaints were lodged by women. In addition, the Committee noted that the number of women who submitted complaints relating to the Minimum Wages Act is significantly higher than men. The Committee noted with concern that the MLSS received no money deposits from employers with respect to the Minimum Wages Act and the Maternity Leave Act, and that men accounted for over 50 per cent of the persons paid from deposits by employers relating to the Employment (Termination and Redundancy Payments) Act and the Holidays with Pay Act.

Convention No. 111: In its 2005 Direct Request the Committee noted that, while a law prohibiting sexual harassment has not yet been promulgated, relevant government ministries are working on the development of a sexual harassment policy and a draft cabinet submission on this issue is under preparation. The Committee noted that previously reported efforts to amend Chapter III of the Constitution to include a prohibition of discrimination on the ground of sex have not yet resulted in any such amendment. The Committee noted information recently provided by the Government to the Committee on Economic, Social and Cultural Rights (CESCR) regarding the relative disadvantages women still experience in the labour market - that the 1997 unemployment rate for males was 10.6 per cent while that of females was 23.5 per cent, that the "top of the Jamaican labour market tends to favour male rather than female employees," and that women are over-represented in low-paying, low-status, low-productivity segments of the market (E/1990/6/Add.28, paragraphs 28, 41).

The Committee noted with interest that the Bureau of Women's Affairs (BWA) and the Centre for Gender and Development, in cooperation with other women's NGOs, are involved in the promotion of public education initiatives relating to gender roles and gender stereotyping. The Committee noted the Government's efforts relating to vocational training, including: (1) the participation by HEART/NTA (in cooperation with the Inter-American Development Bank) in the Non-traditional Skills Training for Low-Income Women Project, which trains young women in non-traditional occupations; and (2) the establishment by the Human Employment and Resources Training/National Training Agency (HEART/NTA) of the Training and Employment Referral Centre (TERC), which offers placement services to graduates from certain training programmes.

Child Labour

Convention No. 182: In its 2005 Direct Request, the Committee noted the information contained in the Government's report that section 10 of the Child Care and Protection Act (CCPA) contains provisions prohibiting the sale and trafficking of children and provides for penalties of fines or imprisonment. The Committee noted that the Offences Against the Persons Act also contains a number of provisions relating to the prohibition of procuring or offering a child for prostitution. Section 45 punishes anyone who by fraudulent means procures any woman or girl below 18 years of age to have illicit carnal connection with any man. Section 58(1)(c) and (d) provides that any person who procures or attempts to procure any woman or girl: "(c) to leave this island, with intent that she shall become a prostitute, or an inmate of, or frequent a brothel elsewhere; or (d) to leave her usual place of abode in this island (such place not being a brothel) with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel within or without this island", shall be guilty of a misdemeanour. The Committee

noted that section 60 punishes as an offence the abduction of an unmarried girl under 18 years of age with intent to be carnally known by any man; section 61 states that anyone who unlawfully detains any woman or girl: “(a) in or upon such premises with intent that she may be unlawfully and carnally known by any man; (b) in any brothel”, shall be guilty of misdemeanour. Section 63 imposes penalties on any person who lives on the earnings of prostitution, including females proved to have, for the purposes of gain, exercised control, direction and influence on the movements of a prostitute. Section 66 sets out penalties of fines or imprisonment for a person who keeps, manages or assists in the management of a brothel.

The Committee noted that a Rapid Assessment Study on the Situation of Children in Prostitution conducted by ILO/IPEC in November 2001, revealed that, in all the seven locations surveyed, children between the ages of 10 and 18 years were exposed to prostitution, pornographic performances and other activities that adversely affected their health, safety and morals classified as the worst forms of child labour. This study showed that the majority of children involved in such activities were girls, and that children involved in prostitution were found in many common locations, including homes, community areas, parks, sea walls, bus and taxi stands, major tourist centres, fishing beaches, school gates, fast food restaurants, go-go clubs, massage parlours and brothels. It was also noticed that one of the causes of prostitution, in addition to poverty and failure of the education system, was the weak monitoring of existing laws. The Committee noted that in its Concluding Observations of 2003 (CRC/C/15/Add.210; paragraph 54), the Committee on the Rights of the Child expressed concern at the sexual exploitation and trafficking of children, including street children, and the lack of accurate data, laws and policies in this regard. It also noted that, according to the information available at the Office, it was reported that Jamaican women are usually trafficked abroad in order to work in the sex industry and there are a number of sex tourism facilities in Jamaica employing young girls.

Employment Policy

Convention No. 122: In its 2005 Direct Request the Committee took note of the statistical data provided by the Government in its report received in September 2005 on labour market trends. The Committee noted that while the unemployment rate has remained relatively stable in 2004 (11.67 per cent compared to 11.4 per cent in 2003), the unemployment rate of women is still more than double that of men and the youth unemployment rate stands at 26.4 percent.

MAURITIUS

I. Among the relevant ILO Conventions, Mauritius has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 138, 175, and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request the Committee noted the Government's first report. It noted in particular that neither the Labour Act nor the Industrial Relations Act (nor the Employment and Industrial Relations Bill intended to replace it) contain a provision explicitly providing for equal remuneration for men and

women for work of equal value. It noted, however, that in more general terms, the Sex Discrimination Act 2002 and the Equal Opportunities Bill 2005, which is intended to replace it, prohibit discrimination on the basis of sex in employment and occupation. In addition, the Code of Conduct for a Conflict Free Workplace Practice (2003) provides in section (i)(ix) that there shall be equal pay for men and women for work of equal value.

The Committee noted that in the private sector wages are prescribed by collective agreements, arbitration awards and Remuneration Order Regulations in 29 sectors, collective agreements. The Committee noted the information in the Government's report that the National Remuneration Board (NRB) is making efforts to ensure that job appellations and classifications are based on the principle of equal remuneration for work of equal value, but that a number of Remuneration Orders have still been identified as containing pay differentials or wage categories based specifically on a worker's sex: the Tea Industry Workers (Remuneration Order) Regulations, 1984; the Livestock Workers (Remuneration Order) Regulations, 1983; the Salt-manufacturing Industry (Remuneration Order) Regulations, 1983; the Sugar Industry (Agricultural Workers) (Remuneration Order) Regulations, 1983; the Field-crop and Orchard Workers (Remuneration Order) Regulations, 1991; and the Catering Industry (Remuneration Order) Regulations, 1987. Furthermore, the recently adopted Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration Order) Regulations, 2003 also continue to include gender-specific job nominations such as "foreman" and "watchman". The Committee also noted the apparent segregation of women workers in industrial groups where earnings are lower compared with those groups where there is a higher proportion of male workers.

The Committee noted that the Pay Research Bureau (PRB) is the body responsible for setting wages and other working conditions in the public sector. The Government indicated that wages are fixed on the basis of job content without distinction between male and female workers. The Committee noted with interest from the PRB's most recent report (2003), that in the creation, review and restyling of grades, it attempts to use neutral terms and thereby avoid sex-specific job descriptions. The Committee noted, however, that certain sex-specific job categories continue to be applied, particularly with respect to the setting of monthly rent allowances for prison officers and rehabilitation youth centre workers, as well as in the classification of education ushers and nurses, but that remuneration rates appear to be the same for otherwise identical male and female positions.

Convention No. 111: In its 2005 Direct Request the Committee noted the Government's first report on this Convention. It noted in particular the Sex Discrimination Act of 2002, which prohibits discrimination based on sex, marital status, pregnancy or potential pregnancy in employment and education. It also noted that an Equal Opportunities Bill (No. XIX of 2005) was currently before the National Assembly and was intended to replace the existing Sex Discrimination Act. The Bill prohibits direct and indirect discrimination in the fields of employment, education and the provision of goods, services and facilities on the basis of sex, marital status, race, origin (including geographical origin), religion and disability. It also includes provisions on sexual harassment, victimization and offensive behaviour and establish an Equal Opportunities Commission and an Equal Opportunities Tribunal.

The Committee noted that sexual harassment in employment and occupation is prohibited by the Sex Discrimination Act of 2002 and the Labour (Amendment) Act, 2004. Although the term "hostile work environment" is not explicitly included in the current definition of sexual

harassment, the Committee noted the Government's indication that it is nonetheless anticipated by the language of the Sex Discrimination Act, which forbids behaviour that would make a person feel humiliated, offended or intimidated (section 20(1)). Beyond these legal measures, the Committee noted that the Sex Discrimination Division, along with the Ministry of Labour, undertakes educational programmes and other sensitization activities including regular meetings with workers and employers in which issues of sexual harassment are addressed.

The Committee noted the Survey on Employment and Earnings in Large Establishments in March 2005 undertaken by the Central Statistics Office. The Survey shows a highly segregated labour market with women mainly concentrated in the manufacturing industry, which represents nearly 60 per cent of women's employment. Furthermore, between 2004 and 2005 women's employment decreased more sharply than men's due to substantial and continuous job losses in the manufacturing industry in the export processing zones. The Committee noted the provisions in the Labour Act prohibiting the transportation of female workers in a "goods vehicle" or in any other vehicle that does not allow for easy entry or exit without climbing (section 18(1)). The Committee expressed concern that the effect of these provisions might be to unnecessarily inhibit women from accessing certain work opportunities.

Part-time Work

Convention No. 175: In its 2005 Direct Request the Committee noted that, by virtue of section 47A of the Labour Act, as amended in 1996, female part-time workers enjoy the right to maternity leave under the same conditions as those applicable to female full-time workers in a similar situation. The Committee also noted that, according to the Government's report of 1999, workers whose working hours are below certain thresholds are not covered by the measures prescribed in *Article 7* of the Convention (maternity protection). It drew attention to the fact that, in accordance with *Article 8, paragraph 1(b)* of the Convention, such an exclusion is not allowed with regard to "maternity protection measures other than those provided under statutory social security schemes".

MEXICO

I. Among the relevant ILO Conventions, Mexico has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 105, 142, and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request the Committee recalled the comments made by the International Confederation of Free Trade Unions (ICFTU) in its 2002 observation, indicating government statistics showing that 25 per cent of women who work in the extraction, processing and electricity sectors are in the lowest income categories, compared with only 8 per cent of men working in these sectors. The Committee noted the statistics for 2002-04 on the employed population by branch of economic activity in the above sectors, according to which 118,960 men and 32,166 women worked in the extraction and oil refining sectors in 2004 and earned 197.81 pesos a day; a total of 4,478,176 men and 2,269,857 women worked in the processing industry

and earned 181.44 pesos a day and 199,315 men and 40,046 women worked in the electricity sector and earned 379.18 pesos a day.

Convention No. 111: In its 2005 Direct Request the Committee recognized the Government's statement that the prohibition of sexual harassment can be inferred from the legislation and sanctions established in the Political Constitution and the Federal Labour Act in sections 2, 3, 5, 31, 46, 50, 51 (I and IX), 52, 56, 86, 132, 133 (I and VII). Sexual harassment is classified as an offence in section 259bis of the Federal Penal Code. The Government indicated that since 2002 the National Institute for Women has been organizing workshops with trade union organizations on gender and work in which it has included the subject of sexual harassment with a view to raising awareness, prevention and the establishment of measures by trade unions to repress sexual harassment.

Underground Work

Convention No. 45: In its 2004 Direct Request, the Committee noted that the Federal Labour Law, as amended, no longer contains a provision explicitly prohibiting the employment of women on underground work in mines, while the scope of all protective provisions against dangerous or unhealthy work is now limited to pregnant workers and breastfeeding mothers. Accordingly, under paragraphs 5.21 and 6.11 of the Official Mexican Standard, the prohibition of employment on underground work in mines or quarries applies only to minors under 16 years of age and pregnant women.

Republic of Moldova

I. Among the relevant ILO Conventions, the Republic of Moldova has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 103, 105, 122, 138 and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its Direct Request of 2005 the Committee [noted with interest that, under section 10\(2\)\(g\) of the new Labour Code \(Act No. 154-XV of 23 March 2003\), the employer is obliged to provide equal payment for work of equal value. However, the Committee also noted that the principle of equal remuneration for men and women for work of equal value has not been included in section 5, which establishes "basic principles of labour relation regulation".](#)

Convention No. 111: In its 2005 Observation the Committee noted with interest that the new Labour Code (Act No. 154-XV of 23 March 2003) enshrines the prohibition of discrimination, and equality of rights and opportunities of all workers as basic principles of labour relations (section 5). Under section 8(1), any direct or indirect form of discrimination on the grounds of sex, age, race, nationality, creed, political convictions, social origin, place of residence, physical, intellectual or mental disability, membership in trade unions or participation in trade union activities, as well as other criteria which are unrelated to the professional qualification of the worker, is prohibited. The Committee also noted with interest the adoption of a national plan for the promotion of gender

equality in society (2003-05) and of a national plan of action in the field of human rights (2004-08).

Further to its Observation, in its Direct Request the Committee commented on legislation addressing the issue of sexual harassment, the distribution of women in different economic sectors and job levels, measures taken to address the problem of trafficking of women and the exclusion of men from certain entitlements granted to female workers with family responsibilities.

Maternity protection

Convention No. 103: The issues raised by the Committee in its 2003 Direct Request relate to compulsory leave after confinement, the provision of free medical assistance and the rate of maternity benefits, which corresponds to 100 per cent of the previous wage of the beneficiary.

PHILIPPINES

I. Among the relevant ILO Conventions, the Philippines has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 122, 138, and 182.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2004 Direct Request the Committee noted from the inspections conducted based on SPRS, the Statistical Performance and Reporting System to determine violations of standards affecting women workers, that about 177 establishments were reported for non-compliance with general labour standards and other policies affecting women workers, including the non-payment or underpayment of maternity benefits. The Committee noted the measures taken by the Government to implement the recommendations proposed in the study to promote women into higher paying jobs not traditionally held by women. It noted in particular, the "free-quality training" offered by the Womens' Centre of the Technical Education and Skills Development Authority (TESDA) and the scholarships, awards and grants in science and technology offered by the Department of Science and Technology (DOST). With regard to the application of the Wage Rationalization Act (No. 6727 of 1989), the Committee noted the Government's statement that the wage orders issued pursuant to the Act apply to all workers regardless of sex.

Convention No. 111: In its 2005 Direct Request the Committee noted Department Order No. 57, series of 2004, on the Guidelines Implementing the Labor Standards Framework Towards Voluntary Compliance with Labor Standards in all establishments, workplaces and worksites. This order is part of the self-policing mechanisms under the new inspection framework of the Anti-Sexual Harassment Act No.7877. The Committee noted from statistics collected by the Department of Labor and Employment (DOLE) that in January 2004 women continue to be predominantly employed as labourers and unskilled workers and are concentrated in the wholesale and retail trade (29.5 per cent) followed by agriculture (21.5 per cent), manufacturing (11.5 per cent) and private households (11.2 per cent).

Night Work

Convention No. 89: In its 2004 Observation, the Committee noted that it seems the Government is considering either the outright denunciation of the Convention or the ratification of the Protocol of 1990 to Convention No. 89. The Government stated that even though the Convention is seen as no longer in tune with the times and increasing the duration of the night period to 11 hours, as prescribed by *Article 2 of the Convention*, would be a backward move, it would not be fully ready to dismantle protective legislation for women in the name of equality. On the other hand, while recognizing that the ratification of the Protocol may appear to be a convenient option, as it would bring about a relaxation of the night work prohibition against women, the Government fears that it would give rise to massive requests for exemptions from several sectors or industries.

Uzbekistan

I. Among the relevant ILO Conventions, Uzbekistan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 98 and 122.

II. Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2005 Direct Request the Committee noted that the Labour Code prohibits discrimination on the basis of sex with regard to remuneration, which includes wages and salaries, and also bonuses, additional payments, increments and incentive payments (sections 6, 153 and 154). It noted further that remuneration rates are determined by collective agreements and collective contracts or other local acts, taking into account minimum wage rates fixed by legislation. Moreover, the Committee noted that methods for objective job evaluation were being used, in agreement with the trade unions in order to determine remuneration in a non-discriminatory manner. The Committee noted that in 1997 women's average wages were 20 per cent lower than men's, that wages are lowest in female-dominated sectors and occupations and that the gap between the remuneration received in female-dominated and other sectors continues to increase.

Convention No. 111: In its Direct Request of 2005 the Committee noted that the provisions on non-discrimination contained in article 18 of the Constitution and section 6 of the Labour Code cover only citizens of the Republic of Uzbekistan. Furthermore, the Committee noted with some concern that the participation of women in higher education has been declining in recent years, that women were concentrated in certain sectors and occupations, that they were more often affected by dismissals due to redundancy, and that they more often faced difficulties finding employment after periods of unemployment. The Committee also noted that a number of measures of Chapter IV of the Labour Code with respect to persons with family responsibilities are available only to women workers. Fathers can benefit from these measures only in certain cases, such as death or long-term hospitalization of the mother (section 238). In this respect, the Committee stressed that measures to assist workers with family responsibilities should be available to men and women on an equal footing.

