





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.

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

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 504 ()

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

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

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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

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 TD -0.049m2s Affa

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)

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

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

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

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

