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

Report 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

1. On behalf of the Committee, the Secretariat invited the International Labour Organization (ILO), on 23 March 2005, to submit to the Committee a report on information provided by States to ILO on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of its activities, which would supplement the information contained in the reports of the States parties to the Convention that would be considered at the thirty-third session.

2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by ILO to promote the implementation of the Convention.

3. The report annexed hereto has been submitted in compliance with the request of the Committee.

* CEDAW/C/2005/II/1.

** The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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Annex

Report of the International Labour Organization

Contents

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. Of the 185 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 161 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 160 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 36 member States

Where applicable, reference is made to a number of other Conventions which are relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child Labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol]
- Night Work Convention, 1990 (No. 171)

Underground work

• Underground Work Convention, 1935 (No. 45)

Part-time work

• Part-Time Work Convention, 1994 (No. 175)

Home work

• Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in Part II of the present report consists of observations and direct requests made by the Committee. Observations are comments published in the CEACR annual report — produced in English, French and Spanish — which is submitted to the International Labour Conference. Direct requests (produced in English and French — and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO database of supervisory activities, ILOLEX.

II. Indications concerning the situation of individual countries

Benin

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Benin has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138, 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 2003, the Committee referred to the statistics previously provided by the Government, which revealed the low representation of women in public service, and drew the attention of the Government to the fact that the situation of women in the labour market was one of the origins of inequalities in remuneration levels between men and women. It reiterated its request to provide information on any measures taken or contemplated to increase the participation of women in the public service, especially in the higher level categories in which they are underrepresented. The Committee also noted the measures taken to improve women's employment in the private sector, such as including a statement in certain job announcements that preference would be given to female candidates; to create a legal framework in favour of self-employed women and women entrepreneurs; and to assist women in the informal economy. The Committee asked the Government to continue to provide information on the specific measures taken or envisaged to promote access by women to a wide range of activities in the private sector.

Convention No. 111: In its direct request of 2003, the Committee, following up on its 2002 General Observation on Convention 111, noted that at present there is no legal text that defines sexual harassment in employment and occupation on the part of the employer, but that section 360 of the draft Penal Code provides that "a person who harasses someone by giving orders, using threats, imposing constraints and exercising serious pressure to obtain favours of a sexual nature by abusing the authority given by his or her functions, shall be punished with imprisonment of two months to one year and with a fine of 50,000 to 500,000 CFA". Noting further the Government's indication that the draft Labour Code of the Organisation pour l'harmonisation en Afrique des droits des affairs (OHADA), would include provisions on sexual harassment, the Committee asked the Government to provide information on any progress made in the adoption of the draft Penal Code and of the draft Labour Code of OHADA.

In the past, the Committee had brought the Government's attention to its obligation under *Article 2* of the Convention to declare and pursue a national policy for the promotion of equality of opportunity and treatment in respect of employment and occupation. The Committee regretted to note that the Government's report indicated that no progress has been made and that no policy or measures have been developed or adopted. It urged the Government to provide detailed information with its next report on the action taken to adopt a policy within the meaning of *Article 2* of the Convention.

The Committee further noted the Government's statement that no text yet exists concerning the special conditions of service of permanent state employees, under section 12, which reserves access to certain posts to one or other sex on the basis of their particular constraints. The Committee requested the Government to indicate in its next report the manner in which this provision is applied in practice and to provide a copy of said text once it is adopted.

Noting that the Government's report did not provide any details on the measures taken in practice to encourage the effective promotion of equality of opportunity and treatment in respect of employment and occupation in the private and public sectors, the Government was asked to provide, in its next report, full information on (a) the situation of men and women in the various occupations and grades in the public sector, and (b) on the measures taken to improve the participation of women in training and skills development activities and on jobs and entry into occupations and branches of activity in the public and private sectors where their numbers are low.

Additional information on Convention No. 182: The Government has submitted its first report on the Convention (ratification in 2001), which was examined by the Committee at its session of November-December 2004. In its direct request of this year, the Committee raised issues primarily related to the trafficking of children and the employment of children, including girls, in domestic work. In this regard, it noted in particular the information provided by the Government in its report to the Committee on the Rights of the Child (CRC/C/3/Add.52, 4 July 1997, paras. 216-219) regarding the situation of "*vidomégons*". The Committee noted that Order No. 26 of 14 April 1998 determining the general conditions of employment of domestic employees did not contain specific provisions respecting persons under 18 years of age, but only covered the situation of employees engaged in the service of individuals and performing domestic work permanently and continuously.

Intermittent workers, engaged for a short duration not exceeding 20 hours a week, were not covered by the Order of 14 April 1998 and are only subject to the stipulations of the parties (section 1 of the Order). While noting from the information received from the United Nations that two regional seminars were organized to discuss the recruitment of young girls as maids, the Committee requested the Government to indicate the measures adopted or envisaged to ensure that child domestic workers under 18 years of age, including "*vidomégons*", did not carry out work that was likely to harm their health, safety or morals.

In addition, the Committee noted the Government's indications that it has undertaken major awareness campaigns against the worst forms of child labour in general and those affecting girls in particular. The Committee further noted that the State has decreed that compulsory primary education for girls is free. It notes that a programme of action to reach out to, guide and train girls and young girls in difficulty had been established and that the Brigade for the Protection of Young Persons had intercepted 1,350 child victims of trafficking, 85 per cent of whom were girls, with the latter benefiting from social integration measures. The Committee requested the Government to provide information on the impact of these measures on the elimination of the worst forms of child labour for girls.

Burkina Faso

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Burkina Faso has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 98, 105, 138, 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 2003, the Committee noted the Government's confirmation that section 104 of the Labour Code (Act No. 11/92), which provides that "where there are equal working conditions, professional qualifications and output, the salary shall be equal for all workers no matter what their origin, sex, age or status", is still in force. In this context, the Committee recalled that the Convention lays out the principle of equal remuneration for men and women for work of equal value and that it is of the view that the current formulation of section 104 does not fully reflect the principle of the Convention. The Convention also covers situations where men and women work under different conditions or with different qualifications, but perform jobs of equal value. The Committee expressed the hope that the Government would consider amending section 104 in order to bring it fully into line with the Convention.

The Committee also encouraged the Government to make every effort to collect statistical information concerning the levels of remuneration of women and men and to share it with the Committee. The Committee urged the Government to take all possible action to improve the status of women in the labour market, to increase the levels of education and skills of women and to widen occupational choices for women, all of which should lead to an improved application of the Convention.

Convention No. 111: In its direct request of 2004, the Committee referred to its general observation of 2002 on the Convention and noted that the definition of

sexual harassment in section 34 of the draft Labour Code only covered quid pro quo harassment. It requested the Government to indicate the measures taken or envisaged to include the notion of "hostile environment" harassment in the definition. The Committee hoped that the draft Labour Code would be adopted shortly and that the Government would provide information on the application in practice of this provision.

With regard to equality of treatment between men and women, the Committee requested the Government to provide details of the practical effect given to the Act of 28 April 1998 to ensure equal access without distinction to employment in the public sector. The Committee also asked the Government to provide full information on the measures taken to improve standards of education for women, the results of the measures for women's participation in vocational training and university and their promotion to management posts, and to report on the progress of the draft legislation to promote women's development in rural areas. It further requested the Government to provide information on the activities undertaken by the Ministry for the Advancement of Women (created in 2002) to promote the principles of the Convention.

With regard to measures of protection for women, the Committee noted that section 107 of the draft Labour Code provides that women may not be kept in jobs that are acknowledged to be beyond their strength and must be assigned to suitable employment. If this was not possible, the contract had to be terminated and severance entitlements paid to the woman. The Committee recalled that following the resolution of 1985 on equality of opportunity and treatment between male and female workers, specific measures of protection for women that were based on stereotypical thinking about their abilities and their role in society had been called into question and might lead unnecessarily to a breach of the principle of equality of opportunity and treatment. The Committee asked the Government to provide information on the application in practice of section 107.

Convention No. 3: In its direct request of 2003, the Committee noted the Government's statement indicating that it is explicitly planned, in the context of the review of the Labour Code, to take into account the Committee's comments relating to sections 84 and 85 of the Labour Code which, in their current form, no longer refer to the prohibition of employment of a woman for a period of six weeks after confinement, as required by *Article 3 (a)* of the Convention. Recalling that the compulsory nature of post-natal leave is an essential protection measure for women guaranteed by the Convention, the Committee expressed the hope that the Government would be in a position to take as soon as possible all the necessary measures to bring the national legislation into full conformity with the Convention on this point.

Convention No. 29: In its observation of 2002, the Committee noted that a large number of women and children were exploited by traffickers for labour purposes. The aim of such trafficking was to exploit their labour in agriculture, domestic work, prostitution and begging. Burkina Faso was a sending, receiving and transit country, according to a study by the Ministry of Employment, Labour and Social Security in March 2000, which referred to the various forms of child exploitation. Most of the children from Burkina Faso trafficked abroad were employed in agriculture and sometimes subjected to prostitution. The intermediaries, who operated from Côte d'Ivoire, had children delivered to them by

intermediaries operating in Burkina Faso (summary report of the subregional project of the International Programme on the Elimination of Child Labour (IPEC): "Combating child trafficking for labour exploitation in western and central Africa") (IPEC/ILO, 2001). The Committee noted the establishment of a national commission on the rights of the child and a national committee to supervise observance of the rights of the child. It also noted that the Ministry of Employment and Labour and IPEC were jointly conducting a study on child trafficking in Burkina Faso. The Committee asked the Government to indicate any measures taken to combat trafficking in people and to ensure protection against forced labour.

Convention No. 138: In its direct request of 2004, the Committee referred to its previous comments regarding the domestic work of children, in which it had noted that the Labour Code appeared to exclude from its scope work performed outside an employment relationship (section 1). However, according to the activity report of the IPEC National Programme in Burkina Faso in 2001, the majority of child workers were in agriculture and animal husbandry, the most exposed groups worked as apprentices in the informal sector in gold washing and, especially in the case of girls, as domestic workers, sales girls and apprentices. The Committee had requested the Government to indicate the measures taken or envisaged to extend the application of the Convention to work performed outside an employment relationship or in the informal sector. The Committee noted this time that the Government indicated that the applicable texts, including the new Labour Code, also applied to workers in the informal sector, to apprentices, domestic workers and sales persons, if the concerned parties lodge a complaint to the labour inspection services. It noted that complaints would be taken into account, apart from the case of children working in gold washing who do not lodge complaints. The Committee also noted the Government's indication that Decree No. 77-311 and its amending texts govern household workers, including domestic workers. It requested the Government to furnish a copy of this text, as well as a copy of the provisions governing the minimum age for admission to self-employment, such as the work of children on their own account.

Convention No. 182: It should be noted that Burkina Faso is participating in the ILO/IPEC programme to combat the trafficking in children for labour exploitation in western and central Africa, which covers nine countries. Certain programmes of action are carried out in the context of the National Programme to Combat Child Labour, such as the programme of "support and assistance of young girls working in the informal sector" in Ouagadougou; the "socio-educational action for young girls in rural areas" in the provinces of Bazèga, Bulkiemdé, Oubritenga and Kadiogo; and the prevention and training measures to combat domestic work by girls in Ouagadougou. According to the national report of June 2004 on the development of education in Burkina Faso (para. 1.2.2), incentives to acquire a basic education, such as the coverage of school fees by the State, are intended to encourage school attendance by girls.

The Committee analysed the Government's first report on the Convention (ratification in 2001) at its session in 2004. In its Observation, the Committee raised general concerns regarding the trafficking of children for the purpose of sexual exploitation and noted the various legislative and other measures taken by the Government to address the problem. This included a draft national action plan against trafficking of children and the participation in the red card programme of IPEC (for more details see the comments of the Committee of Experts).

In its direct request, the Committee noted certain programmes of action carried out in the context of the National Programme to Combat Child Labour, such as the programme of "support and assistance for young girls working in the informal sector" in Ouagadougou; the "socio-educational action for young girls in rural areas" in the provinces of Bazèga, Bulkiemdé, Oubritenga and Kadiogo; and the prevention and training measures to combat domestic work by girls in Ouagadougou. The Committee also noted that, according to the national report of June 2004 on the development of education in Burkina Faso (para. 1.2.2), incentives to acquire a basic education, such as the coverage of school fees by the State, were intended to encourage school attendance by girls. The Committee requested the Government to provide information on the impact of these measures in protecting girls against the worst forms of child labour.

Gambia

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Gambia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138, 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: The Government submitted a first report on this Convention (ratified in 2000), which was analysed by the Committee in 2004. In its direct request, the Committee noted that the definition of remuneration under section 3 of the Labour Code partially applied the Convention definition, but failed to refer to indirect elements of remuneration. Noting that the Labour Code was currently being redrafted, the Committee hoped that it would include a comprehensive definition of remuneration including both direct and indirect payments of cash or in kind bonuses and allowances. Furthermore, the Committee noted that the Labour Code does not set out the principle of equal remuneration for work of equal value. Although the Government reported that men and women generally receive the same remuneration for the same work, which was in any event narrower than the concept of work of equal value under the Convention, it also stated that women in the same occupations are not paid the same as male colleagues due to, for instance, their lack of field experience. The Committee hoped that the new Code would clearly set out the principle of equal remuneration of men and women for work of equal value and would allow for a comparison of pay on as wide a basis as possible to avoid the undervaluation of work and pay levels for women.

With respect to job evaluation, the Committee noted that under section 64(1) of the Labour Code, the Labour Advisory Board could revise recognized trade and job classifications and job descriptions applied by any joint industrial council. The Committee recalled that *Article 3 (1)* of the Convention provided that measures should be taken to promote objective appraisal of jobs on the basis of the work to be performed, where this action would assist in implementing the Convention. Further, the notion of equal remuneration of men and women for work of equal value necessarily implied the adoption of some technique to measure and objectively compare the relative value of the work performed. The Committee therefore requested information on any action taken by the Labour Advisory Board under this

section, and in particular whether it, or joint industrial councils, had adopted measures to objectively compare the value of work performed.

Convention No. 111: The Government submitted a first report on the Convention (ratified in 2000), which was analysed by the Committee in 2004. In its direct request, the Committee noted that section 28 of the Constitution provides that "women shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities". The Labour Code, which was in the process of amendment, currently contained no provisions on discrimination or reference to grounds of discrimination and excluded domestic workers from its scope of application. The Committee urged the Government to ensure that the new labour law included a comprehensive definition of discrimination, to supplement the provisions in the Constitution, that recognized all the grounds in the Convention, and addressed both direct and indirect discrimination in equality of opportunity and of treatment in employment.

With respect to the requirement to adopt a national policy to promote equality, the Committee noted that there was a new national employment policy for 2003-08, but that it was not clear whether this policy promotes equality in employment. It further noted that there was a need for "nation-wide sensitization and implementation" of the principle of equality. The Committee reminded the Government that the Convention required it to declare and pursue a national policy designed to promote equality of opportunity and treatment by methods appropriate to national conditions. It asked the Government to provide more information on whether the national employment policy promoted equality and, if not, when and in what manner it would develop and declare such a policy.

With respect to access to vocational training, the Committee noted the statement by the Government that there was no discrimination in vocational training, employment and occupation on the basis of race, colour, sex, religion or political opinion, although in practice societal norms dictated that men and women were trained in certain skills but not in others. The Committee asked the Government to provide information on the measures taken to reduce this indirect form of discrimination, which led to occupational segregation, and any action to encourage both women's and men's access to non-traditional occupations. It also noted that although education was provided free for girls to encourage parents to send them to school, their education remained of secondary priority in rural areas. The Committee recalled that insofar as the completion of certain studies coming under the heading of general education was necessary to obtain access to a given employment, the problems relating thereto should not be overlooked in the application of Convention (see General Survey 1988, paragraph 78). The Committee asked the Government to keep it informed of its progress in improving access for all to both education and vocational training.

Convention No. 87: In its direct request of 2003 in response to the Government's first report, the Committee noted that section 2 (2) (c) and (d) of the Labour Act No. 12 of 1990 excludes domestic workers from its scope. The Committee is of the opinion that domestic staff is not excluded from the scope of the Convention and should therefore be covered by the guarantees afforded therein concerning the right to establish and join occupational organizations. The Committee requested the Government to indicate the provisions that guarantee

domestic servants the right to establish and join organizations of their own choosing.

Guyana

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Guyana has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 138, 142, 175, 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 2003, the Committee requested additional information mainly on issues of practical application. This included information on (a) the proposed amendment section 2 (3) of Equal Rights Act No. 19 of 1990; (b) available statistical data, including Government employees' salary scales, relating to equal remuneration of women and men for work of equal value; (c) the measures taken or envisaged to promote and supervise the application of the Prevention of Discrimination Act No. 26 of 1997, including the activities undertaken by the labour inspectorate and the methods used in such inspection; and (d) the specific role played by social partners in promoting the understanding and application of the Convention and the relevant laws on equality.

Convention No. 111: In its direct request of 2003, the Committee noted that sexual harassment had been legally prohibited in Guyana and requested the Government to supply in next year's report information relating to the implementation of the law prohibiting sexual harassment, including any judicial decisions. The Committee also noted the Government's response concerning difficulties faced by women in seeking judicial remedies for discrimination in employment and requested the Government to provide more detailed information on the effectiveness of the complaint procedure on discrimination in employment and occupation.

In addition, the Committee noted from the Guyana National Plan of Action for Women, 2000-04, the various objectives to be achieved, such as promoting leadership, education and vocational training of women. The Government was requested to provide information on the measures taken and achievements made in the implementation of the Plan during the past three years and on any sensitization campaigns or promotional measures taken to enhance understanding of the importance of allowing men and women access to all jobs. In this regard, the Committee drew the Government's attention to the high level of educational achievements of girls and expressed the hope that the Government would be able to report how that has been transposed into the labour market. The Committee further requested the Government to supply information concerning the progress in the adoption of Bill No. 6 of 2001 for the establishment of constitutional commissions, including one for women and gender equality.

Convention No. 175: In its direct request of 2003, the Committee noted that the term "part-time worker" was not defined in national laws or regulations. It also noted the Government's indication that there was no specific level of normal hours of work below which a worker is considered to be a part-time worker. The

Committee asked the Government to indicate the measures taken or envisaged in order to define the term "part-time work", irrespective of the possible variations of the normal hours of work of full-time workers in respect of different periods of the year, branches of occupation, geographical regions or workers' age groups, as a necessary precondition to providing meaningful protection to people engaged in such work.

The Committee noted the Government's indication that all female workers were entitled to 13 weeks of maternity leave, if contributions had been made. It also noted the Government's statement that all workers were covered by the National Insurance Scheme with respect to sick leave. The Committee requested the Government to provide additional information on the protection of part-time female workers in respect of all aspects of maternity protection other than maternity leave, such as cash and medical benefits, transfer to a suitable job, income maintenance and protection against dismissal. Moreover, it would appear that the threshold of minimum weekly earnings or the casual or subsidiary nature of employment as grounds for the exclusion from the coverage of the National Insurance Scheme would also apply in respect of maternity and sickness benefits. The Government was therefore requested to provide supplementary information in this regard. The Committee also noted that the National Insurance Scheme set no thresholds and therefore no workers were excluded from its coverage. The Committee understood, however, that the social security legislation in force excluded workers whose earnings were below a specific weekly amount and those engaged in casual and subsidiary employment. The Committee requested the Government to clarify where the national law and practice stand in this respect and to give an estimate of the percentage of part-time workers who might be affected by the above exclusions.

Convention No. 182: The Committee analysed the Government's first report on the Convention (ratification in 2001) in 2004. In its direct request to the Government, the Committee noted that by virtue of sections 84, 85 and 89 of the Criminal Law Offences Act, penalties are set out for the abduction and forcible abduction of any female or unmarried girl under the age of 18 years for marriage or for unlawful carnal knowledge. The Committee noted, moreover, that section 73 of the Criminal Law Offences Act holds liable any person who procures or attempts to procure any female under the age of 21 to leave Guyana or her place of abode for the purposes of prostitution either within or outside Guyana. The Committee noted however, that these provisions only covered the trafficking of women or girls for the purpose of sexual exploitation and requested the Government to indicate the measures taken or envisaged to prohibit the sale and trafficking of females under 18 years of age for purposes of labour exploitation.

Furthermore, the Committee noted the provisions related to prostitution of women and girls under the Criminal Law Offences Act. It noted in particular that according to section 73 of the Criminal Law Offences Act, anyone who: (a) procures or attempts to procure any female under 21 years of age to have any unlawful carnal connection, either within or outside Guyana, with any other person; or (b) procures or attempts to procure any female to become a common prostitute, either within or outside Guyana; or (c) procures or attempts to procure any female to leave Guyana with the intent that she may become an inmate of a brothel elsewhere; or (d) procures or attempts to procure any female to leave her usual place of abode in Guyana with the intent that she may, for the purposes of prostitution, become an inmate of a brothel either within or outside Guyana, shall be guilty of a

misdemeanour. The Committee notes moreover that section 72 of the Criminal Law Offences Act punishes anyone who: (a) by any threat or intimidation, procures any female to have unlawful carnal connection, either within or outside Guyana; (b) by any fraudulent means, procures any female, not being a common prostitute, to have any unlawful carnal connection, either within or outside Guyana; or (c) applies or administers any drug to any female, so as thereby to enable any person to have unlawful carnal connection with her. The Committee further noted that under section 86 of the Criminal Law Offences Act, anyone who detains any female against her will, in or upon any premises or in any brothel, with the intent to unlawfully and carnally know her or to cause her to be unlawfully and carnally known by any other person, shall be guilty of a misdemeanour and liable to imprisonment. In addition, according to section 165 of the Summary Jurisdiction Act, any person who keeps, manages, acts or assists in the management of a brothel, or as the tenant, lessee, occupant, lessor, landlord or person in charge of any premises knowingly permits such premises or any part thereof to be used as a brothel, shall be liable to a fine and imprisonment.

Ireland

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Ireland has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142, 177, 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 2003, with respect to the objective appraisal of jobs within the meaning of *Article 3* of the Convention, the Committee noted with interest that section 7(1) (c) of the Employment Equality Act, 1998 authorizes the undertaking of formal job comparisons, as shown from three decisions of the Office of the Director of Equality Investigations (ODEI) issued between January 2002 and April 2003. In each of these cases, equality officers carried out work inspections and comparisons of dissimilar jobs on the basis of "skill, physical or mental requirements, responsibility and working conditions" to establish whether "like work", within the meaning the Act, existed between the complainants and their comparators; none of the complainants were found to have performed work of equal value.

Convention No. 111: In its direct request of 2003, the Committee noted that the Constitution provides that equality before the law does not mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function, and affirms the particular value of the life of women in the home and that the State will act to ensure that women will not be forced by economic necessity to employment "to the neglect of their duties in the home". The Committee requested the Government to consider reviewing these provisions in order to minimize or eliminate any possible tension between them and the promotion of equal opportunity of men and women in employment and occupation.

Furthermore, the Committee noted that under the Equal Employment Act, 1998, where a post involves duties outside the State, in a place where the laws or

customs could not reasonably be performed by a person of the sex, race or religion in question, the post will be construed as having sex, race or religion (as the case may be) as an occupational qualification. Concerned that potentially discriminatory treatment in other jurisdictions may inadvertently have repercussions in Irish employment practice, the Committee requested the Government to describe how these provisions are employed in practice.

The Committee noted the expansion of powers of the newly named Equality Authority (Authority) and the creation of ODEI and the Human Rights Commission. It also noted the wide range of constructive and informative activities that those statutory bodies (particularly the Authority and ODEI) are engaged in that are directed specifically to combating discrimination in employment and to promoting equal employment opportunities. Those activities include the development and implementation of the code of practice on sexual and other harassment in the workplace, the Authority's research into and lobbying on behalf of collecting employment data disaggregated by all the Convention's prohibited grounds of discrimination, and the carrying out of equality reviews.

The Committee further noted that current legislation permits the taking of positive measures in certain contexts to remove existing employment inequalities, particularly for women, and also for victims of discrimination in the provision of training or work experience. It requested the Government to furnish further details as to what particular kind of actions and programmes are contemplated, as well as further information about any such efforts that are already in place or planned.

Convention No. 122: In its observation of 2003, the Committee noted that the Government has implemented a range of policy and legislative instruments to meet the goal of increasing the participation rate of females in the labour force. Recent legislative developments, such as extended maternity leave and the introduction of the Carer's Leave Act, 2001 and the Part-time Workers Act, 2001, are meant to facilitate the retention and advancement of women in employment. Additionally, in terms of childcare investment, the Government has allocated €437 million under the National Development Plan 2000-06, which has already supported an additional 12,200 childcare places. The Committee noted that the relatively strong growth of female employment in recent years has been an important feature in maintaining the labour supply in a rapid growth context.

Convention No. 182: The Committee analysed the Government's first and second reports on the Convention (ratification in 1999) in 2004. In its direct request, the Committee noted the legislation adopted to prevent, combat and punish the trafficking, prostitution and sale of children (Child Trafficking and Pornography Act, 1998, and the Illegal Immigrants (Trafficking) Act, 2000), Criminal Law (Sexual Offences) Act, 1993). For more details on the relevant provisions, please see the full text of the direct request of 2004 (ILOLEX).

Israel

Positions with regard to ILO Conventions

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

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 2004, the Committee was obliged to repeat its previous comments of 2003 due to the late submission of the Government's report. The Committee noted the implementation of two measures to promote the representation of women in the public sector: the preparation of a detailed report on women's advancement; and the inclusion of the subject of women's status in all educational activities. According to the Government's indications, detailed reports are prepared by the Unit for the Advancement of Women and presented annually to the Knesset Committee on the Status of Women. The Committee asked the Government to provide copies of the above-mentioned detailed report and the materials used in the various educational activities in its next report.

Regarding the establishment of specific goals for each individual Government office for the appointment of women, the Committee noted with interest the amendments to the Women's Equal Rights Act and the Civil Service Act (Appointments). As amended, the Women's Equal Rights Act now provides for affirmative action in the appointment of women at all grades within public institutions. Similarly, the Civil Service Act now obliges Government offices to promote the representation of women by setting aside or giving preference to certain positions for qualified female applicants. The Committee further noted that a proposal has been drafted for a Government decision that establishes target percentages concerning the representation of women in specified ranks and positions. Noting that the adoption of affirmative action measures should result in the narrowing of the remuneration gap between men and women, the Government was requested to provide information to assess the results of the affirmative action on the application of the Convention.

Convention No. 111: In its direct request of 2004, the Committee was obliged to repeat its previous comments of 2003 due to the late submission of the Government's report. It noted that the general trend continued of a decline in the rate of participation in the labour force by Israeli men (Jews and non-Jews alike), coupled with increasing participation by Israeli women. It also noted that the labour force participation of Arab Israeli women had not changed much, from 13.5 per cent in 1995 to 13.4 per cent in 1999. The Committee noted the special measures taken by the Government to enhance the access to employment of ultra-Orthodox Jewish and Israeli Arab women. The Committee asked the Government to submit to it any such assessment, including information on the actual number of graduates successfully entering the labour market and on follow-up to training provided, and information on any other measures taken or contemplated to improve the situation of Arab Israeli and ultra-Orthodox Jewish women in the labour market.

The Committee also noted that the Commissioner of the Civil Service has issued a multi-year plan to advance women's employment on various levels within the civil service. The Committee requested the Government to continue to provide information on measures taken or contemplated to promote the equal status of women.

The Committee noted the information in respect to the Act on the Prevention of Sexual Harassment of 1998 (which covers both quid pro quo and hostile working environment), including on the steps taken with regard to dissemination of

information and training within the civil service and on the Supreme Court judgements in the *State of Israel* v. *Amos Bruchin* and the *Eliezer Zarzur* v. *the Commissioner of the Civil Service* cases. The Committee noted that the Department for the Advancement and Integration of Women in the Civil Service has received an increasing number of complaints of sexual harassment since the 1998 Act was passed, which indicates that the Act is being implemented. The Committee asked the Government to continue to supply information on the impact of the Act.

Democratic People's Republic of Korea

Not a member of ILO

Lebanon

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Lebanon has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 89, 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 direct request of 2003, the Committee noted with interest the adoption of Act No. 207 of 26 May 2000 amending section 26 of the Labour Code, which prohibits discrimination between men and women with respect to wages. The Committee further noted that the draft Labour Code includes a number of sections that provide for the principle of equal remuneration for men and women for work of equal value. It expressed the hope that the draft Code would be adopted soon and that the Government would supply a copy of the amended text.

The Committee noted that a female worker is entitled in the same way as a male worker to receive family allowances, provided both: that the husband and father of her children does not already receive the same benefits; and that it is found, after a "social investigation" by the fund, that her children live with her and she pays for their expenses. The Committee welcomed the granting of these benefits to female workers and expressed the hope that the legislation would be amended to grant equal entitlement to men and women to receive the family allowance, rather than starting from the principle that they should systematically be paid to the father and, in exceptional cases, to the mother, if she can demonstrate that she is bringing up her children alone. In cases where both parents are eligible for such benefits and are bringing up the children, it should be for the couple to determine which of them should receive the family allowance.

With regard to measures to promote an objective appraisal of jobs in the private sector, the Committee noted that no objective job evaluations are in force in the private sector, except in a few large enterprises. The Committee pointed out that job evaluation is a method that seeks to rank jobs hierarchically in terms of their value, usually for the purpose of establishing wage rates through analysing the content of jobs. It is concerned with evaluating the job and not the individual worker. Noting the Government's statement that job classifications that ensure that men and women receive the same remuneration are currently not the practice in the

private sector, and noting the Government's request for technical assistance in this regard, the Committee expressed the hope that the Government would make every effort to seek and acquire this assistance and would initiate action, in consultation with representatives of workers' and employers' organizations, to encourage the objective appraisal of jobs in the private sector.

Convention No. 111: In its direct request of 2002, the Committee noted that the draft Labour Code prohibits any discrimination on employment and occupation on all the grounds set forth in *Article 1 (1) (a)* of the Convention. It further noted that a tripartite commission has been established in order to revise the draft Code and that it will take into consideration the Protocol of 1990 to the Night Work (Women) Convention in drafting less restrictive provisions on night work for women. The Committee invited the Government to also take into account the 1985 ILO resolution on equal opportunities and equal treatment for men and women in employment.

The Committee further noted that women's participation in the labour market had increased from 27.8 per cent in 1997 to 35.4 per cent in 2000. It also noted the Government's statement that in certain limited domains, preference is accorded to men to the prejudice of women, "because of a certain mentality". Furthermore, the National Agency for Employment ensures that training programmes are available to both men and women without discrimination. The Committee invited the Government to consider the possibility of undertaking positive action programmes with the aim of correcting de facto inequalities, given that the legal prohibition of discrimination is not sufficient to eliminate discrimination or achieve equality in actual practice. Therefore, the Government was also asked to provide information on the measures that are envisaged or have been taken in this regard.

The Committee noted that the Government's report indicates that female workers are entitled in the same way as male workers to receive family allowances, provided that the husband and father of her children does not already receive the same benefits and if it is found after a "social investigation" by the fund that her children live with her and she pays for their expenses. The Committee also noted that a new law was being drafted and would establish equality between men and women in the granting of medical care benefits in case of maternity, for the woman herself and the members of the family for whom she is responsible. Nevertheless, noting that the Government had not replied to its previous comments, the Committee had to reiterate its request for information on the meaning of "condition of subordination" that women and children must meet in order to receive family allowances. It hoped that the new legislation would provide for full equality between men and women in eligibility for and payment of employment-based family allowances and benefits. Finally, with a view to achieving greater conformity with this Convention, the Committee wished to reiterate its initial suggestion that in order to avoid duplicating the payment of family allowances to the same household, it would be more appropriate to allow couples who are so entitled to choose which of them should receive the family allowances rather than starting from the principle that they should systematically be paid to the father and, in exceptional cases, to the mother if she can demonstrate that she is bringing up her children alone.

Additional information on Convention No. 111: The Government submitted a report, which will be examined by the Committee at its session of November-December 2005.

It may be noted that section 75 of the draft Labour Code defines sexual harassment by stating that "any worker may leave his/her job before term and without notice if the employer or his/her representative commits an offence contrary to morality against the worker or any member of his/her family, or if the employer or his/her representative commits acts of violence against the worker", which appears to provide insufficient protection against sexual harassment.

The Government's latest report also refers to decision No. 70/1 of 17 July 2003 of the Labour Minister on the regulation of employment agencies for foreign domestic workers, which protect the rights of domestic workers, prevent any abuse through judicial pursuit or withdrawal of their licence, and organize the attribution of insurance policy to foreign domestic workers of both sexes and to any other foreign worker.

Convention No. 29: In its observation of 2003, the Committee noted a communication dated 27 November 2001, received from the World Confederation of Labour (WCL), in which the WCL referred to cases of the illegal abuse of migrant workers, particularly domestic workers, including non-payment of salaries, corporal punishment, sexual abuse and enforced sequestration. The WCL alleged that from the early 1990s, there had been a particularly large influx into Lebanon of African and Asian women, serving primarily as domestic labour in private households, and that both the employment conditions and social status of these women left them extremely vulnerable to exploitation and abuse, most of them falling under the category of "contract slavery". The Committee noted that the Government's report contained no reference to these observations. However, it noted the information supplied by the Government in reply to its general observation of 2000 concerning measures taken to combat trafficking in persons, in which the Government indicated that the employment of illegal migrants was punishable by law and that, in practice, the authorities were endeavouring to stop or prohibit the illegal exaction of forced labour that might be encountered by migrant workers who enter Lebanon illegally. The Committee also noted from the letter of the Legislative and Advisory Unit of the Ministry of Justice attached to the Government's 2003 report that the labour legislation of Lebanon did not contain express provisions punishing trafficking in persons, although traffickers could be punished on the basis of the provisions in sections 514 and 515 of the Penal Code (kidnapping). The Committee expressed the hope that the Government would refer to the observations by the WCL in its next report and would submit its comments on the allegations made therein and information on the measures taken in regard to the matters raised.

Additional information on Convention No. 182: The Committee analysed the Government's first report on Convention No. 182 (ratification in 2001) in 2004 and issued a direct request raising issues primarily concerning trafficking and the sale and prostitution of children and noting the measures taken by the Government to combat these problems. More information on these issues can be found in the comments of the Committee of Experts (ILOLEX).