



**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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Item 5 of the provisional agenda *

**Implementation of articles 21 and 22 of the Convention on the
Elimination of All Forms of Discrimination against Women**

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

Note by the Secretary-General **

International Labour Organization

* CEDAW/C/2010/47/1.

** This document was submitted late due to delayed inputs from other sources.

I. Introduction

1. 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 International Labour Organizations (ILO) conventions. Of the 188 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 168 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 169 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 40 member States.

2. 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)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Part-time work

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

Home work

- Home Work Convention, 1996 (No. 177)

3. The application of ratified conventions is supervised by the ILO 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 summaries 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 are submitted to the Committee on the Application of Standards of 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.

4. The information below sets out brief references to the 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.

II. Indications concerning the situation of individual countries**Bahamas**

5. Among the relevant ILO conventions, the Bahamas has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 97, 98, 103, 105, 138 and 182.

Comments made by the ILO supervisory bodies

6. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following conventions.

Convention No. 97

7. In its 2007 direct request, the Committee of Experts requested the Government to supply information on practical measures to ensure that male and female migrant workers were treated on an equal footing with nationals with regard to conditions of work, trade union rights, accommodation, taxes, social security and access to the justice system. It also noted that the Ministry of Social Services had put in place a women's desk to address issues of equal treatment and asked the Government to provide information on the activities of this desk to ensure that women migrant workers benefit on an equal footing with their male counterparts from the protection offered by the Convention.

Convention No. 100

8. In its 2007 direct request, the Committee of Experts recalled that section 6(b) of the Employment Act of 2001 referring to the concept of "equal value" was limited to work performed in the same establishment. The Committee emphasized that the possibilities for comparison might be insufficient at the level of the establishment, particularly when women workers were concentrated in certain sectors of activity.

9. The Committee further noted the statistics of 2005 on the “employed persons in the hotel industry by occupation, sex, average hours worked and average wage per week – All Bahamas”, indicating that pay differentials existed between men and women in almost all occupations; women were also more often than men concentrated in the lower paid occupations. The weekly wage gap between men and women was particularly striking in the higher category of senior officials and managers. While men and women were more or less equally distributed in this occupational category, the gender gap in weekly wages was about 31.3 per cent. The Committee also noted that 30.5 per cent of the “managers not elsewhere classified” were men and that the gender wage gap in this highly paid category was 43.8 per cent. Therefore, the Committee asked the Government to take steps to determine the underlying reasons for these wage differentials between men and women, and to indicate the measures taken or envisaged to address them in the various occupations, particularly in the higher level occupational category of senior officials and managers.

Convention No. 103

10. In its 2008 direct request, the Committee of Experts noted that there were no provisions under the present national legislation for the payment of social assistance benefits by the Department of Social Services to women who had never worked before pregnancy. On this subject, the Committee recalled that the aim of article 4(5) of the Convention was to provide for the payment of appropriate benefits out of social assistance funds to women employees who did not qualify for maternity cash benefits as a matter of right. Consequently, the Committee requested the Government to consider the possibility of introducing in its legislation, provisions under which social assistance benefits might be paid to women workers who failed to qualify for maternity benefits because they did not fulfil the conditions of length of employment provided for under section 35 of the National Insurance (Benefits and Assistance) Regulations of 1974, as amended.

Convention No. 111

11. In its 2007 direct request, the Committee of Experts noted, on the one hand, that a higher number of women graduates were participating in the Bahamas Technical and Vocational Institute (BTVI) programmes, especially in the business and computer science programmes. However, on the other hand, women were still concentrated in so-called typically female occupations such as cosmetology, office clerk and office systems administrator. The Committee therefore asked the Government to indicate the measures taken to encourage women to participate in training courses for careers in which men traditionally predominate and which might have better career options.

12. In its previous comments, the Committee had noted that the wording of article 26(4)(d) of the Constitution, by referring to the “special circumstances” of the persons protected from discrimination, would appear to allow positive measures in favour of groups protected under the Convention. The Government was invited once again to further elaborate on the meaning of this constitutional provision and to indicate whether it had relied on or intended to rely on it, for example in order to take positive measures to promote women’s employment.

Convention No. 182

13. In its 2009 direct request, the Committee of Experts noted that girls aged 12 were sexually exploited through prostitution and that schoolgirls posed nude for photographs in exchange for money and food. The Committee noted that, according to the ILO and the Canadian International Development Agency (CIDA) Regional Child Labour Project Study, there was no legislative or institutional mandate for a systemic review of the national child labour situation. Considering that the above information indicated that

some types of the worst forms of child labour occurred in the country, the Committee hoped that the Government would take the necessary measures to determine the magnitude of child labour and, in particular, the worst forms of child labour.

Burkina Faso

14. Among the relevant ILO conventions, Burkina Faso has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 97, 98, 105, 122, 138, 142, 143 and 182.

Comments made by the ILO supervisory bodies

15. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following conventions.

Convention No. 97

16. In its 2008 direct request, the Committee of Experts noted that many returnees, especially women and children, were deprived of certain benefits and entitlements in terms of employment, social security, health, housing, food and education. The Committee noted that while the Government recognized the difficulties encountered by returnees and had taken some steps to address their situation, their socio-economic resettlement and vulnerable situation in Côte d'Ivoire remained problematic. The bilateral agreement of 1961 on recruitment and employment between Burkina Faso and Côte d'Ivoire was not being applied and the consular protection in Côte d'Ivoire was inadequate to deal with so many nationals, especially in the current situation. The Committee recalled paragraphs 5(2) and 20 of the Migration for Employment Recommendation (Revised), 1949 (No. 86), underlining the importance of advising migrants and their families on matters relating to return, and providing further guarantees for returnees with respect to the granting of poor relief and unemployment relief, and for promoting re-employment of the unemployed.

Convention No. 100

17. In its 2009 direct request, the Committee of Experts noted that the Government report had not been received and therefore recalled its previous comments. It noted that the majority of women worked in the informal and agricultural sectors and were largely underrepresented in most jobs, particularly middle and top management jobs. The Committee pointed out that in Burkina Faso a woman's life was still, to a large extent, governed by customary rules and practices which enshrined the traditional distribution of roles and tasks between men and women, and that some employers were reluctant to hire women in case family responsibilities kept them away from work. In order to remedy the persistent inequalities between men and women, the Committee noted that the National Policy for the Advancement of Women provided for priority measures such as reducing social and cultural practices which were acknowledged as backward and demeaning for women; promoting women's access to employment and training; and promoting their participation in decision-making bodies. The Committee asked the Government to send information on the impact of the National Policy on reducing the segregation of women in the labour market, and also on the participation of women in middle and top management posts.

18. With regard to the objective job evaluation, the Committee recalled that it was essential to use appropriate techniques to determine whether the jobs that involved different work had nonetheless the same value for the purpose of remuneration. It emphasized that adopting non-discriminatory evaluation criteria and applying them in a

uniform manner was of vital importance to reducing the wage differentials that arose from traditional stereotypes in terms of the “value of work”.

19. The Committee noted that no complaints concerning the principle of equality of remuneration between men and women had been recorded by the labour inspection services. The Committee wished to draw the Government’s attention to the fact that the absence of complaints did not necessarily mean that there was no wage discrimination. It could also be an indication of a lack of awareness on the part of victims of their rights and the means of redress available to them. The Committee therefore asked the Government to continue to provide information on the measures taken to ensure effective application of the principle of the Convention, particularly advocacy and information campaigns about the principle of the Convention.

The most recent Government report has been received and will be examined by the Committee of Experts in 2010.

Convention No. 111

20. In its 2009 direct request, the Committee of Experts noted that the Government report had not been received and recalled its previous concerns that the Government had not ensured observance of the labour legislation designed to eliminate discrimination with regard to employment. It therefore urged the Government to send information on the following: (a) the application of the relevant legislation, including on the application of the Act of 28 April 1998 guaranteeing equal access to employment in the public sector; (b) the number and results of complaints based on the labour legislation for the elimination of discrimination; and (c) the activities conducted by the Ministry for the Advancement of Women and the National Committee for Combating Discrimination in order to ensure effective implementation of this legislation.

The most recent Government report has been received and will be examined by the Committee of Experts in 2010.

Convention No. 182

21. In its 2008 observation, the Committee of Experts noted that internal trafficking, which accounted for 70 per cent of cases, mainly concerned girls who were engaged in domestic labour or working as street vendors in the country’s major cities. It noted that girls, particularly those employed in domestic work, were often victims of exploitation, and that it was difficult to monitor their conditions of employment because of the unauthorized nature of this work. While noting the existence of the ILO–IPEC Programme on Combating Trafficking in Children for Labour Exploitation in West and Central Africa (LUTRENA), the Committee requested the Government to provide information on the time-bound measures taken in the context of the implementation of phase V of the LUTRENA programme to protect girls from the worst forms of child labour, including, in particular, the number of girl victims of sale and trafficking for labour or sexual exploitation, who had been thus removed..

Chad

22. Among the relevant ILO conventions, Chad has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182.

Comments made by the ILO supervisory bodies

23. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following conventions.

Convention No. 100

24. In its 2009 direct request, the Committee of Experts recalled its concerns regarding the limited nature of the principle of equal remuneration laid down in section 42 of the general collective agreement applicable to workers in the Republic of Chad. The Committee emphasized once again that the protection offered to men and women workers by this collective agreement was narrower than that provided for by section 246 of the Labour Code (adopted by Act No. 038/PR/96 of 11 December 1996), as it did not give full effect to the principle of equal remuneration for work of equal value. The Committee therefore asked the Government to clarify the practical scope of section 42 of the collective agreement concerning equal remuneration and to indicate in what manner it was ensured, in law and in practice, that men and women workers received equal remuneration when they performed work of equal value.

Convention No. 111

25. In its 2009 observation, the Committee of Experts noted with interest the adoption of Act No. 016/PR/06 of 13 March 2006 issuing guidelines for the Chadian education system, which focused on combating the exclusion from education of groups considered the most vulnerable, including girls living in rural areas. The objective of this Act was to ensure equitable access to high-quality education for all Chadian children and to promote schooling for girls by removing stereotypes and other socio-economic and cultural obstacles to the full development of girls and women in terms of the education process. The Committee also noted that incentives aimed at making school attendance more attractive to girls were provided for in the “National plan of action for education for all”, and that experimental action had been taken in four pilot areas to promote schooling for girls. These included awareness-raising activities on a large scale with regard to gender issues, grants to communities to undertake income-generating activities, waiving school fees and no age limits on school enrolment for girls.

26. The Committee, however, drew the attention of the Government to the incompatibility of section 9 of Ordinance No. 006/PR/84 of April 1984 with the provisions of the Convention. The Committee requested the Government to state whether the 1984 Ordinance was still in force and, consequently, to clarify whether a husband still had the right to object to the commercial activities of his spouse. If so, the Government should repeal section 9 of the Ordinance because of its discriminatory nature with regard to women.

Czech Republic

27. Among the relevant ILO conventions, the Czech Republic has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142, 171 and 182.

Comments made by the ILO supervisory bodies

28. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following conventions.

Convention No. 100

29. In its 2009 direct request, the Committee of Experts noted that the new Labour Code (Act No. 262/2006, as amended by Act No. 585/2006) which entered into force on 1 January 2007, continued to limit the application of the principle of equal remuneration

for work of equal value to employees employed by one employer. The Committee recalled its general observation of 2006 in which it noted that the application of the Convention principle was not limited to comparisons between men and women in the same establishment or enterprise and that it allowed for a much broader comparison to be made between jobs performed by men and women in different enterprises or between different employers. Where women were heavily concentrated in certain sectors of activities or occupations, there was a risk that the possibilities for comparison might be insufficient at the level of the establishment. In this regard, the Committee noted the comments made by the Czech-Moravian Confederation of Trade Unions stating that female-dominated jobs tended to be lower paid in comparison with similar positions in which women were not the majority. It considered that increased attention to the principle of equal remuneration for men and women for work of equal value, through cross-sectoral approaches, might assist in addressing this situation.

30. While the Committee welcomed the legal framework for objective job evaluation set out in section 110 of the Labour Code, it also pointed to the need to develop and use specific methods of job evaluation, incorporating the factors set out in the Labour Code and ensuring their application free from gender bias. The Committee therefore asked the Government to provide information on the measures taken or envisaged to promote the development and use of objective job evaluation methods as a means to promote equal remuneration for men and women for work of equal value.

Convention No. 111

31. In its 2009 observation, the Committee of Experts recalled the discussions held in the Committee on the Application of Standards at the ninety-seventh session (June 2008) of the International Labour Conference (ILC) which addressed the following issues: (a) the fact that the Labour Code of 2006 had withdrawn the previously available protection from discrimination based on a number of additional grounds, including family responsibilities, marital or family status or membership of or activity in political parties, trade unions or employers' organizations; and (b) the situation of Roma, including women, in employment and occupation. The Conference Committee had called on the Government to adopt the new non-discrimination legislation without further delay and to ensure that it was in full conformity with the Convention. It also urged the Government to take measures to develop improved means to assess and monitor the situation of the Roma in employment, occupation and unemployment. The Committee of Experts had expressed concern that no report had been received from the Government since the case had been discussed in 2008.

32. The application by the Czech Republic of the Convention was discussed once again by the Committee on the Application of Standards at the ninety-ninth session (June 2010) of the ILC. The Conference Committee noted that the Anti-Discrimination Act had been adopted, and entered into force on 1 September 2009. The Act covered direct and indirect discrimination on the basis of race, ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief and world view. The Government was urged to provide full information to the Committee of Experts so that it would be able to assess whether the new legislation provided adequate protection against discrimination on all the grounds enumerated in article 1(1)(a) of the Convention, in particular with respect to discrimination on the basis of family responsibilities, marital or family status, or membership or activity in political parties, trade unions or employers' organizations.

33. The Conference Committee further noted the information provided by the Government on the range of measures taken to promote social and economic inclusion of

the Roma, but it remained concerned that measures had not yet led to verifiable improvements for the Roma in employment and occupation. The Conference Committee, therefore, again urged the Government to take measures to develop improved means to monitor the situation of the Roma, including through the collection and analysis of appropriate data, with a view to demonstrating the achievement of real progress with respect to equal access of the Roma to education, training, employment and occupation.

Convention No. 182

34. In its 2009 observation, the Committee of Experts noted with satisfaction that the new provision under section 232a, which repealed and replaced section 246 of the Penal Code (trade in women for sexual relations), had been introduced in the Penal Code by Act No. 537/2004. According to this provision, a person who engages, arranges, hires, entraps, transports, hides or detains a person younger than 18 years, by force, threat, violence or otherwise, for the purposes of sexual exploitation, slavery or serfdom, forced labour, or other forms of exploitation, shall be punished with imprisonment from two to ten years.

Malta

35. Among the relevant ILO conventions, Malta has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182.

Comments made by the ILO supervisory bodies

36. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following conventions.

Convention No. 100

37. In its 2009 direct request, the Committee of Experts noted with interest the recent amendment of the Equal Treatment in Employment Regulations 2004 (by Legal Notice 137 of 2007) which provided that “for the same work or for work to which equal value is attributed, there shall be no direct or indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration” (section 3A(1)). It further noted that pursuant to section 3A(2) of these Regulations the employer shall ensure that where a job classification system was used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination based on sex.

38. While noting these legislative developments, the Committee also reiterated its previous request regarding the methodology used by the Wages Council Orders to ensure that jobs and professions which were predominantly or exclusively undertaken by women were not being undervalued in comparison with those undertaken by men who were performing different work and using different skills. Furthermore, the Committee asked the Government to indicate the measures taken or envisaged to raise awareness of the principle of the Convention with the cooperation of its social partners, in particular, awareness of the concept of “work of equal value”, the need to use a method free from gender bias to evaluate jobs when negotiating wage rates in collective agreements, and the importance of avoiding gender stereotypes and promoting equality.

39. The Committee also noted that, according to the annual report published in 2008 by the National Commission for the Promotion of Equality, the gender pay gap could be

quite significant in relation to the average gross annual salary for employees, by main occupation and by sex (April–June 2008). With regard to the positions of legislators, senior officials and managers, it represented 28 per cent, and for the category of service workers and shop and sales workers, the pay gap was equal to 26 per cent. The Committee asked the Government to provide information on the measures taken to reduce such gaps, in particular through addressing the occupational segregation of women into certain lesser paid occupations and improving their access to better paid higher status jobs and managerial positions.

Convention No. 111

40. In its 2009 direct request, the Committee of Experts noted that the Government had once again not provided a reply on the subject of the employment service of female employees accumulated prior to the time they were required to resign due to marriage. The Committee had noted previously that this period was counted as experience in access to jobs and promotions but was not recognized for the purposes of calculating pensions, thereby placing re-employed women at a distinct disadvantage because their actual years of service were not taken into account. The previous comments of the Committee also pointed out that paragraph 41 of its 1988 General Survey on equality in employment and occupation considered that distinctions based on civil status were discriminatory by nature under the terms of the Convention to the extent that they resulted in a requirement or condition being imposed on an individual of a particular sex that would not be imposed on an individual of another sex. The Committee therefore urged the Government to indicate how many women were still in service whose pensionable remuneration would be negatively affected by the fact that they were forced to resign due to marriage prior to OPM Circular 103/80 of 1980.

41. The Committee noted the activities carried out by the National Commission for the Promotion of Equality, and that within the framework of the programme “The Gender Aspect from a Legal Perspective” (ESF/No.46), which aimed at increasing the participation and advancement of women in the labour market, a review of Maltese laws and regulations had been carried out and recommendations issued. The Committee asked the Government to provide information on the measures taken to follow up on these recommendations as regards employment and occupation, including any proposed amendments to existing legal provisions, and proposals for the introduction of new legal provisions to address gender issues. The Committee also asked the Government to provide detailed information on the situation of women in employment in the private sector, including statistical data on their representation in managerial positions. The Government was also requested to provide information on the measures taken to encourage the sharing of family responsibilities and measures taken by enterprises to set up childcare services.

42. With respect to access to vocational training and education, the Committee noted the information provided by the Government on training programmes offered by the Employment and Training Corporation (ETC) to target and support disadvantaged groups. It asked the Government to provide information on the manner in which access for girls and women to vocational training and education was promoted in order to increase their employment opportunities. The Government was also encouraged to take the necessary measures to facilitate the collection and analysis by the ETC of data disaggregated by sex, with a view to assessing the impact of training programmes on the employment of women.

Tunisia

43. Among the relevant ILO conventions, the Tunisia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 105, 122, 138, 142 and 182.

Comments made by the ILO supervisory bodies

44. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following conventions.

Convention No. 45

45. In its 2004 direct request, the Committee of Experts noted the reference to section 77 of the Labour Code, as last amended by Act No. 96-62 of 15 July 1996, which prohibited the employment of women, whatever their age, and young persons under 18 years of age in underground work in mines and quarries. The Committee invited the Government to give favourable consideration to the ratification of the Safety and Health in Mines Convention, 1995 (No. 176), which shifts the emphasis from a specific category of workers to the safety and health protection of all mineworkers, and also to consider the possibility of denouncing Convention No. 45.

Convention No. 89

46. In its 2008 direct request, the Committee of Experts noted that most collective agreements did not contain any specific provision on income maintenance during pregnancy, other than a reference to the general labour laws in force. The Committee recalled that the Convention sought to protect the income level of female workers not simply during the maternity leave period, but over a much longer period of 16 weeks and any additional periods as might be necessary on medical grounds, by means of transfer to a day work position, special social security benefits or similar measures.

Convention No. 100

47. In its 2009 direct request, the Committee of Experts noted that wage scales were applicable in the public sector to all employees without any distinction on the basis of sex, and that the respective provisions of the collective agreements in the private sector applied equally to men and women. However, the Committee considered that this was not sufficient to ensure the application of the principle of equal remuneration. It therefore wished to emphasize once again that the concept of “work of equal value” went beyond equal remuneration for “equal”, the “same” or “similar” work, and also encompassed work that was of an entirely different nature, but which was nevertheless of equal value. The broad scope of “equal value” aimed to prevent inequality of wages which was often the consequence of occupational sex segregation, concentrating women in a limited range of occupations. Noting the concentration of women in certain sectors, such as the service sector, and their low rate of representation in positions of responsibility, the Committee emphasized the importance of comparing the value of the different types of work on the basis of criteria that were objective and non-discriminatory. In this connection, the Committee noted that skills required, effort, responsibility and conditions of work should be used to determine the respective remuneration rates in accordance with the principle of the Convention. It also asked the Government to provide information on the impact of its plan of action to encourage the vocational advancement of women and to combat gender stereotypes with a view to reducing the gender wage gap, as well as information on the measures that had been adopted or envisaged to promote the objective appraisal of jobs.

Convention No. 111

48. In its 2009 direct request, the Committee of Expert noted that no court rulings had been handed down on the prohibition of sexual harassment (section 226ter of the Penal Code) and that no violations had been identified by the labour inspectorate. Emphasizing the sensitive nature of the subject, the Committee wished to draw the attention of the Government to the fact that in practice victims might be reluctant to report cases of sexual harassment. It might also be the case that the level of awareness was not sufficient among the authorities and victims themselves. The Committee therefore encouraged the Government to take the necessary measures to raise public awareness on the issue of sexual harassment at the workplace and to provide the competent authorities with specific information, on the basis of which they could identify and address cases of sexual harassment in an adequate manner.

49. With regard to vocational training, the Committee noted that the data on training diplomas awarded by the Ministry of Education and Training (ATFP) showed that women participated in training relating to services (in 2006, women represented 91 per cent of participants) and textiles/clothing (85 per cent). The Committee also noted that since 2002 there had been an increase in the participation of women in vocational training related to the handicraft sector (rising from 13 per cent in 2002 to 42 per cent in 2006). However, the Committee noted that there was a certain resistance to change in this field by girls and their parents, who gave priority to areas that were supposed to be more “suitable for girls”. The Committee requested the Government to provide detailed information on the measures adopted or envisaged to combat attitudes based on stereotypes which limited the participation of women to traditional training courses, and to promote the access of women to a broader range of training opportunities. In addition, the Committee noted the National Programme of Teaching for Adults (PNEA), and that provisions respecting adult education for workers had been included in sectoral collective agreements requiring employers to grant illiterate workers the necessary time to follow adult education courses.

Uganda

50. Among the relevant ILO conventions, Uganda has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 143 and 182.

Comments made by the ILO supervisory bodies

51. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following conventions.

Convention No. 100

52. In its 2009 direct request, the Committee of Experts noted that the principle of equal remuneration for men and women for work of equal value was expressly referred to in section 6(6) and (7) of the Employment Act 2006. According to section 6(6), the Minister of Gender, Labour and Social Development and the Labour Advisory Board shall, in discharging their duties, seek to give effect to the principle “of equal remuneration for male and female employees for work of equal value”, while section 6(7) provided that “every employer shall pay male and female equal remuneration for work of equal value”.

53. The Committee noted that in practice wage disparities between men and women existed in both the public and private sectors, although remuneration was usually determined on the basis of workers' experience, levels of education and the competences required for a particular job, regardless of sex. The Committee noted that, according to the Uganda National Household Survey 2005–06, the gender wage gap was wider in the private sector where men's wages were double those of women. From the same source, it also emerged that women were concentrated in the agricultural sector (79.1 per cent of women work in this sector) where wages were lower than in other sectors and where women's wages amounted to only 50 per cent of the wages received by men. The Committee asked the Government to provide information on any measures taken or envisaged to reduce the existing gender wage gap and to address its underlying causes, including information on any measures taken to overcome the current occupational sex segregation of the labour market.

Convention No. 111

54. In its 2009 direct request, the Committee of Experts noted that the majority of the population was engaged in agriculture. It noted that significant gender inequities existed in respect of ownership and control of land, as a result of discriminatory traditions and customs which could affect women's capacity to engage in economic activities. Recalling that equality of opportunity and treatment had to be promoted and ensured not only in respect of employment but also with regard to access to particular occupations, the Committee requested the Government to indicate the measures taken or envisaged to eliminate directly or indirectly discriminatory practices in access to occupations particularly affecting women.
