



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

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**Committee on the Elimination of Discrimination  
against Women**

**Thirty-eighth session**

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Item 5 of the provisional agenda\*

**Implementation of article 21 of the Convention  
on the Elimination of All Forms of Discrimination  
against Women**

**Reports provided by 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**

**Addendum**

**International Labour Organization**

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\* CEDAW/C/2007/II/1.



## 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 Conventions of the International Labour Organization (ILO). Of the 187 Conventions adopted so far, the information in the present report relates principally to the four key gender equality Conventions of the ILO:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 163 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 165 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 37 member States;
- Maternity Protection Convention, 2000 (No. 183), which has been ratified by 13 member States.

Where applicable, reference may be 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);

### *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 (“Committee of Experts”), a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report summarizes relevant observations and direct requests made by the Committee. Observations are comments published in the Committee of Expert’s annual report — produced in English, French and Spanish — which are 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’s database of supervisory activities, ILOLEX and APPLIS.

The relevant comments of the Committee of Experts referred to in section II below can be found by going to [www.ilo.org/public/english/standards/norm/index.htm](http://www.ilo.org/public/english/standards/norm/index.htm) and then referring to the APPLIS database.

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

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

### **Mauritania**

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

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

Convention No. 100: In its 2006 direct request, the Committee of Experts commented on section 191 of the Labour Code, which provides that “with equal working conditions, professional skills and output, wages are equal for all workers regardless of their origin, sex, age or status”. Section 395 prohibits all discrimination based on sex. The Committee of Experts considers that these provisions may not fully enshrine the principle of equal remuneration for work of equal value as set out in the Convention and urged the Government to consider giving full legislative expression to the principle.

Convention No. 111: In its 2006 direct request, the Committee of Experts noted the Government’s intention to address the issue of sexual harassment by way of regulation. It also noted the adoption of a law reserving for women 20 per cent of the positions on all electoral lists for municipal councils and the national assembly. The National Strategy for

the Promotion of Women (2005-2008) recognizes that women in Mauritania continue to be marginalized in the labour market in comparison with men. The Committee stressed the need to monitor the impact and the implementation of the Strategy on women's equality of opportunity and treatment in employment and occupation.

Convention No. 89: In its 2004 direct request, the Committee of Experts recalled that member States are under an obligation to review periodically their protective legislation in light of scientific and technological knowledge with a view to revising all gender-specific provisions and discriminatory constraints. In this regard, the Committee stated that this obligation stems from article 11(3) of the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (to which Mauritania acceded in 2001), as later reaffirmed in point 5(b) of the 1985 ILO resolution on equal opportunities and equal treatment for men and women in employment. The Committee invited the Government to give favourable consideration to the ratification of the 1990 Protocol to Convention No. 89, which was designed as a tool for smooth transition from outright prohibition to free access to night employment, especially for those States that wished to offer the possibility of night employment to women workers but felt that some institutional protection should remain in place to avoid exploitative practices and a sudden worsening of the social conditions of women workers.

## **Mozambique**

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

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

Convention No. 100: In its 2004 direct request, the Committee of Experts commented on section 47(2) of the Labour Code of 20 July 1998, which provides that all employees have the "right to receive equal salary and benefits for equal work". The Committee considered that this provision was not in conformity with the Convention because the notion of equal pay for equal work is narrower than the principle of equal remuneration for work of equal value, as set out in the Convention. The Committee hoped that section 47(2) would be amended.

Convention No. 111: In its 2006 direct request, the Committee of Experts stressed the need to reinforce efforts to address the low participation of girls in education, in particular secondary and tertiary education, and in vocational training. While noting that the legislation provides for up to 70 days of maternity leave and that discrimination based on pregnancy is prohibited, the Committee stated that legal protection alone was not sufficient to eliminate discrimination in practice, as discrimination against women often stems from behaviour, attitudes or displays of prejudice that can only be eliminated by the adoption of positive measures, and awareness raising and other promotional measures. The Government was requested to provide information on the measures taken in this regard, as well as any measures taken to improve the enforcement of the relevant legislation.

## Niger

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

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

Convention No. 100: In its 2005 direct request, the Committee reiterated long-standing comments concerning the inter-occupational collective agreement of 15 December 1972. Recalling that section 38 of the agreement is not in conformity with the Convention, the Committee noted the Government's commitment to take the concept of "work for equal value" into account in the forthcoming revision of the agreement.

Convention No. 111: In its 2005 direct request, the Committee of Experts noted that amendments to the Penal Code introduced the offence of sexual harassment. In order to assess the effects of these provisions on the incidence and punishment of sexual harassment at work, the Committee requested information on any cases brought under the new provisions, as well as on any awareness raising activities on sexual harassment at work. In its 2006 report under the Convention, the Government indicated that no cases have yet been brought and that no awareness raising measures had been undertaken so far.

In its 2005 direct request, the Committee also noted the Government's indication that a 60 per cent target for girls' school attendance was set for 2007. Further information on the implementation of the quota system introduced in 2000 to ensure women's access to the civil service was requested.

With regard to section 101 of the Labour Code and Decree No. 67-26 of 7 September 1967, which provide for exclusions of women from employment for safety and health reasons, the Committee of Experts insisted on receiving information on whether these exclusions are being reviewed, taking into account the principle of equality.

The Government has established a national commission to combat forced labour and discrimination in employment and occupation in order to strengthen the application of Conventions Nos. 29 and 111 (Decree No. 0933/MFP/T issued by the Minister of Civil Service and Labour on 4 August 2006).

## Pakistan

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

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

Convention No. 100: After having examined the Government's first report under the Convention, the Committee of Experts issued an observation and a direct request in 2005. It recalled comments made by the International Confederation of Free Trade Unions (ICFTU) and the All Pakistan Federation of Trade Unions stressing the need to adopt legislation and establish effective labour inspection services in order to enforce the Convention. The ICFTU alleged that women did not always receive equal treatment with their male counterparts in terms of pay and benefits.

The Government stated that the Minimum Wages Ordinance, 1961, provides for equal minimum wages for the different categories of workers in industrial undertakings without distinction on the ground of sex. However, while the Committee noted that the setting of minimum wages is an important means of applying the Convention, it also noted that this legislation contains no specific provisions on equal remuneration for men and women for work of equal value.

In this context, the Committee noted that the Labour Protection Policy prepared by the Government in 2005 (adopted in 2006)<sup>1</sup> states that gender equality with regard to pay and wage systems will be a key component of the Government's new policy in the field of wages. The policy further envisages that minimum and above minimum wages will be paid on the basis of equal pay for equal work, and equal pay for work of equal value between men and women. The Committee also noted that the ILO Decent Work Country Programme in Pakistan includes measures to strengthen the application of the Convention. The Committee requested information on the specific measures taken or envisaged to implement the Government's commitments and policies and on the progress made in strengthening the application of the Convention in law and practice.

Convention No. 111. In its 2005 observation, the Committee of Experts noted with interest that the 2002 Labour Policy identifies the elimination of gender discrimination as an important objective and acknowledges the need to improve the role and contribution of women in the labour force and to provide them with equal opportunities for employment. The Committee requested the Government to provide detailed information on the different measures taken or envisaged to promote women's equal employment opportunities and to eliminate discrimination on the basis of sex.

The Labour Protection Policy elaborated in 2005 and adopted by the Government in 2006 envisages a number of measures to promote gender equality and the rights of women workers. In its 2005 observation, the Committee of Experts noted that the Policy proposes the assessment of the nature and extent of sexual harassment in the workplace and the preparation of a Code of Conduct to guide the actions of enterprises in addressing sexual harassment, depending on the outcome of such assessment. The Committee requested the Government to provide information on the steps taken with a view to preparing and adopting the Code of Conduct on sexual harassment, and to provide information on any other measures adopted or envisaged, in law and in practice, to prohibit and prevent sexual harassment at work.

The Committee further stressed that promoting equal access of girls and women to education and training is an important strategy towards the elimination of discrimination against women and the realization of gender equality in employment and occupation. The Committee noted from the *Human Development Report, 2004*, that the adult literacy rate for women was as low as 28.5 per cent. According to information submitted previously by the Government, about 50 per cent of girls drop out of school before completing primary education, and the drop-out rate for girls in rural areas is as high as 75 per cent.

## **Serbia**

I. Among the relevant ILO Conventions, Serbia has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 103, 105, 138 and 182.

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<sup>1</sup> The text of the Labour Protection Policy is available on the website of the Ministry of Labour, manpower and Overseas Pakistanis at [http://www.pakistan.gov.pk/divisions/ContentListing.jsp?DivID=30&cPath=349\\_353](http://www.pakistan.gov.pk/divisions/ContentListing.jsp?DivID=30&cPath=349_353).

**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. 89: In its 2004 direct request, the Committee of Experts noted that the Labour Law of 21 December 2001 does not provide for a general prohibition of the employment of women at night, with the exception of section 68 (1), which does not allow pregnant women to work at night during the last eight weeks of pregnancy. In addition, under section 68 (2) and (3) of the Labour Law, a female employee with a child up to 3 years of age, or a single parent of a child of up to 7 years of age, or of a seriously disabled child, may work at night only upon her written consent. The Committee is therefore bound to conclude that the Convention has for all practical purposes ceased to apply. Considering, therefore, that effect is no longer given to the provisions of the Convention in either law or practice, and also recalling the need for an appropriate legal framework addressing the problems and hazards of night work in general, the Committee invited the Government to give favourable consideration to the ratification of the Night Work Convention, 1990 (No. 171), which shifts the emphasis from a specific category of workers and sector of economic activity to the safety and health protection of night workers irrespective of gender in nearly all branches and occupations.

Convention No. 103: In its 2004 direct request, the Committee noted that section 76 of the Labour Law prohibits an employer from dismissing a woman employee from work during pregnancy or maternity leave, unless the employment has been established for a definite period of time or the dismissal is based on one of the grounds enumerated in section 101(3), (4), (5) and (7) of the Law (violation of work duties stipulated by the labour contract through her own fault; failure to observe work discipline; that is, if her behaviour is such that she can no longer work with the employer; the commission of a criminal offence at work or in connection with work; and abuse of sick leave, respectively). The Committee recalled in this respect that, under the terms of article 6 of the Convention, while a woman is absent from work on maternity leave, it shall not be lawful for her employer to give her notice of dismissal during such absence, or at such a time that the notice would expire during such absence. Consequently, as the Convention prohibits employers from giving women employees notice of dismissal during maternity leave for any reason whatsoever, the Committee requested the Government to indicate in its next report the measures adopted or envisaged to bring the national legislation into conformity with the Convention.

Convention No. 111: In its 2006 direct request, the Committee noted that the Law on Employment and Unemployment Insurance prohibits discrimination in the provision of employment services on a number of grounds, but not on the ground of sex. It recommended that sex be introduced into this provision as a prohibited ground.

Convention No. 156: Having examined the Government's first report under the Convention, the Committee issued a direct request in 2006. Noting that gender equality legislation was under preparation, the Committee recommended that the future legislation promote the application of the Convention (e.g., through encouraging more equal sharing of family responsibilities between men and women). The Committee also emphasized the need to take awareness raising and educational measures in order to promote broader understanding of the principle of gender equality and work and family issues, as well as the need to address the problems that workers with family responsibilities face. The Committee also requested information on how workers' and employers' organizations participate in devising and applying measures to give effect to the Convention.

III. ILO technical cooperation. The Country Review of Employment Policy (CREP)<sup>2</sup> for Serbia carried out and adopted in March 2006 emphasized the importance of the Public Employment Service (PES) and its role in promoting employment opportunities for disadvantaged groups. However, the CREP did not identify instances in which the Serbian employment services actively promoted women's participation in paid work and offers no immediate suggestions as to how to do this. Women's employment has declined sharply over the past fifteen years in Serbia. Fewer women than men even register as unemployed, and once unemployed, women take longer than men to find paid work opportunities, even though women on average have similar levels of education and training as men. They face discrimination at hiring and firing decisions, expressed occasionally even in formal job advertisements and job specifications. As a result, we find a vast number of women who are not economically active, even though they would be eager to work if suitable opportunities and support mechanisms were available.

Against this background, the ILO carried out a technical cooperation project in Serbia from May 2006 to March 2007 designed to facilitate the ongoing institutional reform of the Serbian National Employment Service with a view to the problem of gender inequality in the context of the Serbian labour market. The project aimed at building capacity of the officials of the national employment services through the development of materials and tools, training seminars and study visits. The tools and training focused on mainstreaming gender in the operation of employment offices, designing and using performance monitoring tools, and on guidance in the gathering and systematizing of data to design gender sensitive targets.

## **Sierra Leone**

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

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. 111: In its 2006 observation, the Committee of Experts requested the Government to adopt and pursue a national policy to promote equality of opportunity and treatment in employment and occupation, as required under the Convention. It encouraged the Government to give serious consideration to the application of the Convention in law and practice as an integral part of its efforts to promote peace and social and economic stability. The Government was requested to provide information on measures taken or envisaged to promote and ensure equal access to technical and vocational training, public and private employment, and equal terms and conditions of employment, including through educational programmes and cooperation with employers' and workers' organizations.

## **Syrian Arab Republic**

I. Among the relevant ILO Conventions, the Syrian Arab Republic has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 89, 98 and 105.

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<sup>2</sup> CREPS are a joint ILO/Council of Europe initiative following up on the 2003 Bucharest Declaration of the Minister of Employment of Central and Eastern European countries.



**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. 111: In its 2005 observation, the Committee reiterated long-standing concerns over statements by the Government to the effect that discrimination on the grounds listed in article 1(1)(a) of the Convention did not exist in the Syrian Arab Republic and that no further measures are necessary, given that the principle of equality was embodied in national legislation. The Committee explained in this regard that such an attitude was difficult to accept because no society is free from discrimination. It considered the denial of the existence of discrimination as a serious obstacle to addressing it and inhibits any proactive measures from being taken to promote equality in employment and occupation. The Committee recalled that the mere absence of reported cases of discrimination is not to be regarded as an indication of its non-existence. Hence, it was compelled to point out that the failure to acknowledge the existence of any cases of discrimination and the lack of information on the concrete measures taken to apply fully the provisions of the Convention in practice raises doubts as to the satisfactory application of articles 2 and 3 of the Convention.

The Committee noted from the statistics provided by the Government in its report that the number of female judges (12 per cent) remains low and that, representing 20 per cent of the employees in the public sector, women constitute the largest segment of the education sector. The data further indicate that 25.5 per cent and 14 per cent of the workers employed respectively in agriculture and industry are women. In its previous observation, the Committee had welcomed the Government's intention to address existing inequalities affecting women's development and had requested information on the specific action taken by the responsible authorities as well as the National Women's Confederation towards the implementation of the national strategy on women. In this regard, the Committee noted with interest that a number of laws and decrees on women have been promulgated since 2001, including Legislative Decree No. 330 of 25 September 2002 on the ratification by the Syrian Arab Republic of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee also noted the Government's statement that the rate of women participating in vocational training increased to 20 per cent.

In its 2005 direct request, the Committee noted the Government's statement that Syrian legislation (sections 489, 490, 492, 510 and 511 of the Penal Code of 1949, as amended) protects women against all forms of violence, rape and moral wrongdoing and that no cases of sexual harassment exist in the country. The Committee pointed out that the absence of sexual harassment complaints may not necessarily be an indication of its non-existence. In reality, the sensitivity of the issue and the lack of awareness and knowledge among male and female workers on what constitutes sexual harassment, as well as a victim's reluctance to file a complaint, may contribute to the false impression that sexual harassment in the workplace hardly occurs. The Committee therefore asked the Government to provide information in its next report on the measures taken to raise awareness and increase knowledge about sexual harassment among male and female workers and employers, including the results achieved.

The Committee also commented on section 139 of the Personal Status Act, which provides that "a female custodian shall not be precluded on account of having a job as long as such a job does not interfere with her ability to provide care in an acceptable manner", a restriction which does not appear to apply to male custodians. The Committee is concerned that this provision may negatively impact on women's equal participation in

and free choice of employment, which would be contrary to the Convention. It therefore requested the Government to indicate in its next report: (a) the number of women that have left their employment in order to get custody of their children and the types of occupations they were engaged in; and (b) the specific measures taken to help workers with family responsibilities, and especially female custodians, to maintain their employment and combine work and family responsibilities.

The Government has submitted a report on Convention No. 111 in 2006, which will be examined by the Committee of Experts at its 2007 session.

## **Vanuatu**

I. Among the relevant ILO Conventions, Vanuatu has recently ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98 105 and 182. The ratifications of these Conventions were registered in July and August 2006.

II. **Comments made by the ILO supervisory bodies.** There are no pending comments. First reports concerning the Conventions ratified in 2006 will be due in 2008.

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